

20 MAY 1947

I N D E X
Of
WITNESSES

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20 MAY 1947

I N D E X
Of
EXHIBITS

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1 Tuesday, 20 May 1947

2 - - -

3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, same as before with the
13 exception of: HONORABLE JUSTICE BERNARD, Member from
14 the Republic of France and HONORABLE JUSTICE ROLING,
15 Member from the Netherlands, now sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese
20 to English interpretation was made by the
21 Language Section, IMTFE.)
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MARSHALL OF THE COURT: The International
Military Tribunal for the Far East is now in session.

THE PRESIDENT: Mr. Cunningham.

MR. CUNNINGHAM: I continue to read from
defense document 1314, page 4. (Reading:)

"PAPER NO. 2

"In the draft of a pact of consultation and
assistance between Japan, Italy and Germany which is
now in negotiation a new article in the following
form would be inserted before the concluding Article
IV.

"The German Government and the Italian
Government declare in agreement with the Japanese
Government that the pact of friendship and silence
between Germany and Italy, signed on the 22nd May
1939, which resulted from the neighborhood of those
both countries and from their special position in
Europe, will not be affected by the present pact, and
that therefore the present pact shall be applied to
the relation between Germany and Italy only insofar
as the pact of the 22nd May 1939 contains no broader
obligations.

"PAPER NO. 3

"NOTE

"The Japanese Government will explain after

1 conclusion of the pact between Germany, Italy and
2 Japan now under negotiation of eventual diplomatic
3 inquiries about the pact from a third side verbally
4 in the following sense:

5 "1. The pact is a purely defensive pact.
6 It pursues no aggressive purpose, but has the aim of
7 securing the maintenance of peace. The pact is
8 therefore not directed against any country.

9 "2. Historically the pact originated from
10 the fact that the three contracting powers in the
11 recent years have come together for the common de-
12 fense against the disintegrating activities of the
13 Comintern. In the present international situation
14 Japan feels on her part threatened above all by the
15 efforts of the Communist International. The Japanese
16 Government has, therefore, viewed this effort of
17 Communism which originated from Soviet-Russia as the
18 acutest danger to peace.

19 "3. Should one of the participating powers
20 in this pact be attacked unprovokedly, the conse-
21 quences resulting therefrom for this power are evi-
22 dent from the text of the pact. So long as the third
23 powers do not threaten or attack the contracting
24 powers, the obligations provided in the pact for
25 support and for rendering help and assistance will not

1 become effective.

2 "PAPER NO. 4

3 "On instruction by my Government I ask your
4 Excellency to take note that Japan can carry out the
5 obligations, accepted in Article III of the pact, to
6 render help and assistance in a military respect at
7 the present and in the immediate future only to a
8 restricted extent. The details as to the military
9 assistance to be rendered from time to time in the
10 future, shall be reserved to the discussions provided
11 in the secret accessory protocol."

12 At this time I call on Mr. Roberts who will
13 introduce the witness.

14 THE PRESIDENT: Mr. Roberts.

15 MR. ROBERTS: We call the witness, SAITO,
16 Yosnie.

SAITO

DIRECT

1 YOSHIE SAITO, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

DIRECT EXAMINATION

BY MR. ROBERTS:

Q Please tell us your name and address.

A My name is SAITO, Yoshie. My address is
42 Shoto, Shibuya-ku, Tokyo.MR. ROBERTS: May the witness be shown defense
document No. 1133.(Whereupon, the document was handed
to the witness.)Q Please examine this document and tell us whether
or not it is your sworn affidavit.

A It is my affidavit without mistake.

MR. ROBERTS: I offer it in evidence.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If it please the Tribunal, the
prosecution objects to this affidavit in its entirety.
I trust it has been in the hands of the Tribunal for a
sufficient length of time to enable its Members to
familiarize themselves with it. It is in part a
lecture or address, and in part an argument in which
the deponent attempts to sustain certain allegations

SAITO

DIRECT

1 by a recital of numerous observations, opinions and
2 conclusions. Certainly it is not evidence that conforms
3 to any of the rules announced by the Tribunal.

4 The prosecution submits that testimony of this
5 character has no greater dignity than any other journal-
6 istic efforts which repeatedly have been rejected. It
7 is an outstanding example of prolixity which the
8 Tribunal has criticized on many occasions. It is an
9 argument improper to be made at this stage of the proceed-
10 ings, and much of it deals with irrelevant matters.

11 If these observations and a casual examination
12 of the affidavit are not sufficient to warrant rejec-
13 tion in its entirety, I am prepared to discuss it
14 chapter by chapter.

15 THE PRESIDENT: We will hear what the other
16 side has.

17 MR. ROBERTS: The defense submits that the
18 personal observations of this witness, who spent more
19 than twenty years in China in diplomatic and consular
20 posts and has written many books on the fundamental
21 causes in China of the conflict between China and Japan,
22 is fundamental and basic information which the Tribunal
23 can obtain from no other source.

24 THE PRESIDENT: We are not at liberty to allow
25 him to form our opinions for us.

SAITO

DIRECT

1 MR. ROBERTS: He wants to give you the facts
2 which were in existence at the time certain acts were
3 taken so you may form your opinion as to whether or not
4 those acts were justified.

5 THE PRESIDENT: He goes further and gives judg-
6 ment. To-wit: "It is an extreme slander to say, judg-
7 ing from these matters, that Japan refused to give other
8 powers equal opportunities in commerce and industry."
9 That is at page 28 of the proposed exhibit.

10 MR. ROBERTS: Such statements I am willing
11 not to read. As a matter of fact, I have marked them
12 to be omitted, and perhaps we can agree, that is, the
13 prosecution and defense, as to such statements being
14 omitted. We submit, however, that the major part of
15 this affidavit is the basic, underlying reasons for the
16 action taken.

17 MR. TAVENNER : The prosecution cannot agree
18 that the failure to read a few isolated sentences
19 affects the admissibility of the affidavit.

20 THE PRESIDENT: A Member of the Tribunal wants
21 to know what facts it is intended that this witness
22 shall prove and on what issues they bear.

23 MR. ROBERTS: It bears upon the issue of
24 whether or not the acts as contained in the Indictment
25 were aggressive acts or whether the acts were in self-

SAITO

DIRECT

1 defense. This witness is able to give us certain facts
2 which existed in China during the years complained of
3 and why it was necessary that the acts had to be taken,
4 as will be explained later by the individual defendants.

5 THE PRESIDENT: Do you think the prosecution
6 and defense could meet with a view to limiting the
7 affidavit to statements that are relevant and material?

8 MR. ROBERTS: It may be that there are only a
9 certain number of passages which we might be able to
10 agree upon at this time.

11 THE PRESIDENT: If it is finally rejected it
12 involves a great waste of material and labor.

13 MR. ROBERTS: Yes.

14 THE PRESIDENT: But we cannot admit what is
15 inadmissible in order to avoid waste.

16 What have you to say, Mr. Tavenner?

17 MR. TAVENNER: If the Tribunal please, in view
18 of the questions that have been asked by the Court
19 and the replies by counsel, I would like to give a
20 brief summary of what I consider these chapters are.

21 THE PRESIDENT: Well, do you think the docu-
22 ment could be edited so as to confine it to what is
23 statements of fact?

24 MR. TAVENNER: I don't think the document
25 could be re-edited. I think it would have to be

SAITO

DIRECT

1 redrafted in its entirety.

2 THE PRESIDENT: And reprocessed?

3 MR. TAVENNER: Yes, sir.

4 MR. ROBERTS: The prosecutor stated in his
5 opening remarks that he had objections to certain
6 portions of the affidavit and that he wanted to give
7 us the specific objections. I would like to hear the
8 specific objections that the prosecutor referred to in
9 his opening remarks. I have offered to delete certain
10 portions and perhaps the other portions that he refers
11 to may be the same and we can delete them immediately.

12 THE PRESIDENT: By a majority the Court upholds
13 the objection and rejects the document. If it contains
14 any relevant and material facts, they can be put in a
15 short affidavit and tendered later.

16 MR. ROBERTS: Under those conditions may we
17 respectfully ask that the witness stand down?

18 THE PRESIDENT: Yes, the witness is stood down.

19 (Whereupon, the witness was excused.)
20

21 THE PRESIDENT: Mr. Cunningham.

22 MR. CUNNINGHAM: If the Tribunal please, I
23 now offer in evidence defense document 1398 which is
24 a report of a talk --
25

MR. COMYNS CARR: Just a minute.

1 MR. CUNNINGHAM: Well, I will finish my
2 introduction. -- which is a report of a talk between
3 Navy Minister YONAI and Wang Ching-wei, which covers
4 the relations of the Wang Government with the Japanese
5 to combat communism in China and prevent its spread in
6 Asia.

7 MR. COMYNS CARR: This document is already in
8 evidence, your Honor. It is exhibit 2586, put in by
9 the defense themselves as recently as the 15th of May.
10 I do not understand why it should be tendered again.

11 THE PRESIDENT: Well, it involves a great waste
12 of material and time. One can understand affidavits
13 tendered months ago being overlooked but not those
14 tendered in the last week or so.

15 MR. CUNNINGHAM: Whether it has been offered
16 or not, my only object in offering it is to suggest
17 the first paragraph and that it emphasizes the particular
18 point which we have been pressing in this presentation.

19 THE PRESIDENT: You may read any part or refer
20 to any part of an exhibit already admitted. What do
21 you propose to do, Mr. Cunningham? Just refer to it?
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1 MR. CUNNINGHAM: I just propose to refer to
2 that first part which relates to the question of
3 communism and the situation in China at the time.
4 I don't propose to read it, but I do think that it
5 would be much easier to offer it in this manner than
6 to refer back to the previous document and ask the
7 Court to refer back to the record on this particular
8 proposition.

9 THE PRESIDENT: We will refer back to the
10 exhibit already in evidence.

11 The objection to the document just tendered
12 is upheld and the document rejected.

13 MR. CUNNINGHAM: Next I refer to the evidence
14 which shows Japan terminated, after August 1939,
15 the negotiations for a treaty between Japan, Germany
16 and Italy. I draw the attention of the Tribunal to
17 the exhibits No. 486-L and 782.

18 Exhibit 486-L is a German telegram sent by
19 German Ambassador, Ott, in Tokyo, to Berlin, in
20 which the Japanese Minister for Foreign Affairs is
21 mentioned and stated to the German ambassador that
22 "The Japanese Government had interpreted the conclu-
23 sion of the Non-Aggression Pact as finally terminating
24 the present negotiations between Japan, Germany and
25 Italy." Transcript page 6122.

Exhibit 782, which I refer to you now, is a
1 note dated 26 August 1939, sent by the Japanese
2 Embassy in Berlin to German Foreign Office, and this
3 is a document captured in German Foreign Office by
4 Allied Forces. It is shown in this document that the
5 Japanese Embassy in Berlin had filed, under the
6 direction of the home government, a note with the
7 German Foreign Office protesting against the conclu-
8 sion of the German-Soviet Non-Aggression Pact.
9 Transcript page 7912.

10 I now call the Court's attention to the
11 prosecution exhibit No. 550, Foreign Minister MATSUOKA's
12 explanation on the Imperial Conference regarding the
13 conclusion of the Tripartite Pact of September 1940,
14 in which MATSUOKA stated that "the fundamental prin-
15 ciple of the recent negotiations with Germany is
16 entirely different from that of HIRANUMA Cabinet days."
17 Pertaining evidence will also be produced in the
18 later phases to further substantiate this allegation.
19

20 THE PRESIDENT: Whereabouts in exhibit 550
21 did MATSUOKA say that, Mr. Cunningham? Unless you
22 indicate the page we will have to read the whole of
23 it to find it, and it comprises five pages of single-
24 spaced typing.

25 MR. CUNNINGHAM: Page 5, paragraph C, under

1 heading "Conclusion."

2 THE PRESIDENT: Thank you.

3 MR. CUNNINGHAM: Now, your Honors, I have a
4 question of policy to be followed in the future on the
5 introduction of excerpts from books and records which
6 have already been used in evidence here and the ques-
7 tion of processing.

8 I refer especially to the Japan Yearbook
9 for 1941 and '42, and I'd like to have a direction from
10 the Tribunal as to whether or not it is necessary to
11 make 150 copies of an excerpt which is to be read
12 from a book of this nature, which involves considerable
13 time and wasted effort, in my submission. Books such
14 as Foreign Affairs and Japan Yearbook and other
15 periodicals perhaps should be put in a separate class
16 to avoid this unnecessary effort.

17 THE PRESIDENT: That would be so if the
18 Japan Yearbook and other such publications were
19 readily available to all persons who would require to
20 refer to them. They are most difficult to get,
21 actually. If we were sitting in Washington and deal-
22 ing with the corresponding American publication we
23 certainly would not ask you to process it.

24 MR. CUNNINGHAM: I submit the Japan Yearbook
25 ought to be found in every library in Tokyo, every

1 good-sized library.

2 THE PRESIDENT: If you could find unlimited
3 copies in a library under the control of the Allied
4 Powers, we would agree with you.

5 MR. CUNNINGHAM: Well, of course, my suggestion
6 was only a matter of convenience and not of incon-
7 venience. I was thinking of submitting the document
8 into the clerk's office and anyone who wished could
9 read the document, the book, there, and it wouldn't
10 be necessary to have over twenty-five copies made for
11 distribution among the Court and the prosecution who
12 are interested and the few defense counsel who are
13 interested. It would save all this unnecessary delay
14 and trouble.

15 THE PRESIDENT: I think you momentarily forgot
16 that you are in Japan, in Tokyo, dealing with the Japan
17 Yearbook. And it is only the excerpt, after all, that
18 has to be processed; and I am not aware how many copies
19 are required.

20 MR. CUNNINGHAM: Well, your Honor, you should
21 be advised that about 153 copies of each one of these
22 documents has to be processed before we can offer it
23 into evidence as an excerpt, and it is ridiculous.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: If the Tribunal please, I submit

1 that it is ridiculous taking up the time of the Tri-
2 bunal with arguing a matter of this kind which could
3 so easily be disposed of in chambers.

4 THE PRESIDENT: I do not agree with you,
5 Mr. Tavenner. This is an important matter.

6 But I want Mr. Cunningham to tell us how these
7 excerpts differ from excerpts from other books. He
8 cannot, because the Japan Yearbook is not readily
9 available, and we are not going to throw ourselves on
10 the mercy of Japanese people for the use of their li-
11 braries to get the yearbook. The defense, of course,
12 are at liberty to do that. They are defending the
13 accused, who are Japanese nationals.

14 MR. CUNNINGHAM: Well, if your Honor please,
15 we have to process this 153 times not only in English
16 but in Japanese, and every Japanese can read his own
17 language and I can't possibly see how it is necessary
18 or important to make 153 copies of a simple excerpt
19 from a book, to process, in order to get a document
20 introduced into this Tribunal. I think it is as ridi-
21 culous as anything we could possibly conceive of as
22 a matter of logical procedure. I really do.

23 THE PRESIDENT: If you thought hard enough
24 and long enough, you would not think it ridiculous.
25 No doubt the greater part of the 153 copies are required

1 for the defense themselves.

2 If the prosecution is satisfied to have one
3 copy, we will raise no objection; but we must have
4 eleven copies; we, the Judges.

5 MR. CUNNINGHAM: Well, we process about thirty
6 for the defense, maybe forty; twenty -- or I don't know,
7 ten or twenty go to the press section with two or three
8 members sitting there; the prosecution has about fifty
9 members or forty and I don't know how many documents
10 go to the prosecution section; they have four or five
11 counsel who are interested in the proposition. They go
12 to the several countries involved, who probably do not
13 need as many as we send. It is just a foolish dis-
14 tribution. That is just the whole sum and substance
15 of it.

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1 THE PRESIDENT: It has been the practice in
2 Germany -- it is the practice here -- to provide the
3 press with copies of these things, and that requires
4 a large number of copies. If the press like to forego
5 copies they may. But it is the purpose of the Supreme
6 Commander and, indeed, of the Allied Powers that this
7 trial, the evidence in this trial should get the
8 widest publicity, and it is getting it. And the pub-
9 licity extends to the evidence in Japanese Year Books
10 as well as to other evidence. And, as a colleague
11 says, it is necessary that all the accused and their
12 Japanese counsel should have copies in Japanese of
13 everything tendered.

14 You see the need, Mr. Tavenner, for dealing
15 with this thing publicly. Otherwise, these casual
16 outbursts remaining unanswered might get undue publicity
17 throughout the world and be taken seriously. How ready,
18 say, an American citizen mig' be to confound the
19 American Year Book with the Japanese Year Book.

20 I had a great deal of difficulty in getting
21 the Japanese Year Book. I had to return it after I
22 had used it a few days.

23 MR. TAVENNER: May I make one observation?

24 THE PRESIDENT: Certainly.

25 MR. TAVENNER: I do not think it is so much a

1 matter of concern as to the time and material used
2 in the making of copies of excerpts that are to be
3 introduced as it is to guard carefully the type of
4 excerpt that is being processed. For instance, as of
5 May 15th 238 documents have been admitted during the
6 defense phase as exhibits, 233 rejected, 234 have been
7 either withdrawn or abandoned as a result of rulings.

8 THE PRESIDENT: To attack the Court for
9 waste is probably a good form of defense of waste
10 already committed.

11 MR. TAVENNER: So I wanted merely to emphasize
12 the point. It is not so much the question of diffi-
13 culty of producing -- reproducing exhibits that are
14 admitted as it is not to present those which under the
15 rulings of the Court have been excluded time and again.

16 MR. CUNNINGHAM: Well, your Honor, what origin-
17 ally started out to be a suggestion to simplify a
18 matter of procedure has turned out to be a major inci-
19 dent.

20 But I suggest that at Nuernberg it was only
21 the responsibility of defense counsel to submit their
22 documents for processing to the court machinery, and
23 that is all the responsibility they had. Now, we have
24 a little greater one than that.

25 I suggest that the mimeographed copies of

1 the documents to be presented be filed with the original
2 document, and upon acceptance as an exhibit in the
3 case, that it then be reproduced for distribution.
4 I suggest that twenty-five or thirty original copies
5 be made for distribution with the Court and so on so
6 that the matter can be determined in due course. And
7 then, after it is accepted as a matter of the record,
8 that it be sent out for distribution. But all that
9 excess work should not be involved before the document
10 is actually made a matter of the record.

11 As a matter of publicity, I suggest that in
12 this atomic age this case has gone to the back page
13 of the newspapers so long ago that it is forgotten.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If the Tribunal please, I have
16 an alternative suggestion to make, and that is that
17 documents of this character be presented to the prose-
18 cution before processing, and where there is not an
19 agreement as to the admissibility, that the Tribunal
20 rule on the admissibility--

21 THE PRESIDENT: The Charter contemplates
22 something of the kind.

23 MR. TAVENNER: (Continuing) Which I am informed
24 is the procedure that was followed in Nuernberg. But
25 we do not desire to accept blandly any document that

1 counsel may suddenly desire to read from the lectern.

2 THE PRESIDENT: Well, that suggestion would
3 save you a lot of trouble, Mr. Cunningham. I think
4 it is somewhat in line with your own.

5 MR. CUNNINGHAM: No. I have a few reactions
6 to that.

7 I suggest that that very definitely smacks
8 of prejudging the case and prejudging the evidence
9 before hearing in the Tribunal. It places upon us the
10 responsibility of determining the probative value and
11 admissibility of evidence before it is actually pre-
12 sented and heard in the Court.

13 THE PRESIDENT: The Court would determine the
14 preliminary questions; the whole Court, the whole eleven
15 of us.

16 MR. CUNNINGHAM: Well, that is trying the
17 case twice. I am trying to avoid that. I only want
18 to try it once. That is why I am suggesting this.

19 THE PRESIDENT: This was done in Germany, and
20 our Charter provides for it in Article 13: "The Tri-
21 bunal may require to be informed of the nature of any
22 evidence before it is offered in order to rule upon the
23 relevance." Before it is offered.

24 MR. CUNNINGHAM: I suggest that that is only
25 in case the Tribunal is called upon to provide through.

1 subpoena or other search for the evidence. But that
2 does not apply to evidence voluntarily offered to the
3 Tribunal through the initiative of the defense.

4 THE PRESIDENT: That is not so.

5 MR. CUNNINGHAM: That is my understanding.

6 THE PRESIDENT: I have no means of limiting
7 your understanding of anything. But I would like to
8 know whether you represent all the defense.

9 MR. CUNNINGHAM: I could say definitely no
10 to that. As far as I know, Dr. UZAWA is the only one
11 who could speak for all of the defense.

12 THE PRESIDENT: Well, we have heard enough
13 this morning. If you care to continue the matter in
14 chambers, I shall deal with it there. But I can
15 make no final decision. The whole Court itself must
16 decide these matters.
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1 MR. CUNNINGHAM: I should now like to call
2 attention of the Tribunal to defense document 1046,
3 the statement of the Imperial Japanese Government which
4 sets forth the basis upon which Japan and China could
5 combine peaceful activities to prevent the disturbances
6 caused by communistic activities. This document cor-
7 roborates and fortifies the previous document and I
8 merely refer to it and ask that it be considered in
9 this light for whatever it is worth without reading
10 it.

11 MR. COMYNS CARR: Your Honor, the prosecution
12 objects to the Court's being burdened with documents
13 of this character which carry the matter no further,
14 merely a repetition, not a self-serving official state-
15 ment by the Imperial Japanese Government of things
16 that have been said over and over again.

17 THE PRESIDENT: Rightly or wrongly, I
18 understand Mr. Cunningham to be referring to something
19 which is already in evidence.

20 MR. COMYNS CARR: No, your Honor, this
21 particular one is not. I gathered that my friend was
22 under that impression but, if so, he is mistaken.
23 Document 1046 as far as we can trace has not been
24 exhibited.

25 MR. CUNNINGHAM: I was not under that

1 impression; I was not mistaken. I just didn't want
2 to read the document. I want to offer it for what it
3 is worth for the perusal of the Tribunal.

4 THE PRESIDENT: If you are referring to a
5 document not already in evidence you must tender it.

6 MR. CUNNINGHAM: I now make formal tender of
7 the document for whatever it is worth.

8 THE PRESIDENT: Have you copies of it?
9 The Clerk of the Court has no copies for the Judges.

10 MR. CUNNINGHAM: To avoid the confusion we
11 will just go on to document 206-E (97) and withdraw
12 the offer of the other document. It doesn't seem to
13 be in the hands of the Clerk yet.

14 I now offer defense document 206-E (97).
15 This document emphasizes the necessity for the
16 cooperative defense between Japan and China for the
17 purpose of preventing communistic activities which
18 threatened the security of both countries and inter-
19 fered with the maintenance of public order in China.
20 This is a record of a conversation between Ambassador
21 Grew and Foreign Minister TOYODA on the 22 of September
22 1941. On Grew's statement, see pages 2254, 2255 of the
23 record, exhibit 191, document 219: "An observer who
24 had told me that in Manchuria Japan was creating a
25 situation," and so on. Now, if that document which

1 was a prosecution document states a fact and is worthy
2 of acceptance into evidence, then this is a real
3 valuable document.

4 THE PRESIDENT: Mr. Comyns Carr.

5 MR. COMYNS CARR: May it please your Honor,
6 this document has nothing whatever to do with the
7 phase with which we are now dealing. It relates to
8 the negotiations between the United States and Japan
9 in the Pacific phase.

10 THE PRESIDENT: It has no bearing on Russia?

11 MR. COMYNS CARR: None whatever, your Honor.

12 THE PRESIDENT: It mentions -- no, it
13 does not mention Russia.

14 MR. COMYNS CARR: It is an excerpt from Mr.
15 Grew's diary quoting a short summary of the terms which
16 Japan was prepared to offer to China in September 1941.
17 The official report of those terms is already in
18 evidence, that is to say, the actual document commun-
19 icated to the United States Government by Mr. Grew and
20 nothing in our submission is gained by putting in
21 another document in which he unofficially and informal-
22 ly records a summary of the same thing.
23
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1 MR. CUNNINGHAM: I refer the Tribunal to
2 the bottom of page 3, "Cooperation between Japan
3 and China for the purpose of preventing Communis-
4 tic and other subversive activities which may con-
5 stitute a menace to the security of both countries
6 and of maintaining the public order in China."

7 Now, that has a direct bearing, and that is
8 the theory upon which the evidence in this phase of
9 the case is based, that the activities of the commu-
10 nists in China operated as a direct threat and menace
11 to the national security of Japan and was just cause --
12 and this is even in retrospect -- just cause for the
13 anti-Comintern Pact. I only wish to read the bottom
14 of page 3.

15 THE PRESIDENT: The part you want to read
16 is already in evidence, so we understand.

17 MR. CUNNINGHAM: Well, we will go on then.
18 Due to the fact of delay in translation and delay
19 in processing some of the documents, it will be
20 necessary for me to submit them in the Tri-Partite
21 Pact phase of the Pacific phase or at the end of
22 this Russian phase. Some of the documents have been
23 delayed in process.
24

25 THE PRESIDENT: I take it you withdraw this
document, Mr. Cunningham.

1 MR. CUNNINGHAM: I have your Honor, in
2 this phase. I have another witness who was supposed
3 to be here tomorrow. And now, in concluding the
4 subdivision of this anti-Comintern Pact and
5 Russian phase, with the exception and reservation
6 of the witness and documents which have not yet
7 been processed, and the witness who has been stood
8 down and whose document will be redrafted to
9 eliminate undesirable features, I would like now
10 to reserve the right to present other witnesses
11 and evidence with respect to the negotiations
12 between Japan, Germany, and Italy during 1938 and
13 1939, and the difference in the nature of the
14 abortive negotiations and the Tri-Partite Pact
15 which were concluded on the 27th of September, 1940,
16 and evidence on these matters will be presented in
17 the Pacific and individual phases as well.

18 May I ask that the Court take its recess
19 now so that Mr. Furness can assemble his documents
20 and be ready to go right after recess.

21 THE PRESIDENT: I repeat: I understand
22 you are withdrawing defense document 206-E-97.

23 MR. CUNNINGHAM: I withdraw it as long as
24 you suggested it, the part that has been read.

25 THE PRESIDENT: I make no conditions. I

1 MR. CUNNINGHAM: I have your Honor, in
2 this phase. I have another witness who was supposed
3 to be here tomorrow. And now, in concluding the
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19 now so that Mr. Furness can assemble his documents
20 and be ready to go right after recess.

21 THE PRESIDENT: I repeat: I understand
22 you are withdrawing defense document 206-E-97.

23 MR. CUNNINGHAM: I withdraw it as long as
24 you suggested it, the part that has been read.

25 THE PRESIDENT: I make no conditions. I

1 cannot.

2 MR. CUNNINGHAM: I withdraw the condition.

3 THE PRESIDENT: We will recess for fifteen
4 minutes.

5 (Whereupon, at 1044, a recess
6 was taken until 1100, after which the
7 proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Furness.

4 MR. FURNESS: If the Court please, I would
5 like to vary from my order of proof in order that
6 the Language Section may make a pre-translation
7 of my running commentary, so that the interpretation
8 may be quick and cause no delay.

9 I would like, therefore, to call the first
10 witness, whose affidavit has been duly served and
11 who can testify to it. The prosecution tells me
12 that they have no objection. The witness' name is
13 HASHIMOTO, Gun.

14 I first offer in evidence defense document
15 1538 which will qualify certain documents referred
16 to by the witness.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 1538
19 will receive exhibit No. 2620.

20 (Whereupon, ~~the~~ document above
21 referred to was marked defense exhibit
22 No. 2620 and received in evidence.)

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21 referred to was marked defense exhibit
22 No. 2620 and received in evidence.)

23 - - -
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25

HASHIMOTO

DIRECT

1 G U N H A S H I M O T O, recalled as a witness on
2 behalf of the defense, having previously been
3 sworn, testified through Japanese interpreters
4 as follows:

5 MR. FURNESS: I will read exhibit No. 2620:

6 "CERTIFICATE

7 "I hereby certify that the intelligence
8 telegrams dispatched by the Kwantung Army, Korean
9 Army and Fifth Area Army concerning the entry of
10 U.S.S.R. into war with Japan were burnt at the time
11 of the termination of the War and are therefore not
12 in the custody of the First Demobilization Bureau.

13 "On this 28th day of April 1947

14 "at Tokyo."

15 Signed by "Chief, Archives Section, First
16 Demobilization Office."

17 I now ask that the witness be sworn.

18 THE PRESIDENT: He has already been sworn,
19 I understand.

20 MR. FURNESS: I ask that the witness be
21 shown defense document 1478.

22 (Whereupon, a document was
23 handed to the witness.)
24
25

DIRECT EXAMINATION

1 BY MR. FURNESS:

2 Q Is that your affidavit?

3 A Yes, it is.

4 Q Are the facts stated therein true?

5 A They are true.

6 MR. FURNESS: I offer in evidence defense
7 document 1478.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 1478
10 will receive exhibit No. 2621.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 2621 and received in evidence.)

14 MR. FURNESS: I will read exhibit No. 2621,
15 omitting the formal parts:

16 "1. I, HASHIMOTO, Gun, in addition to my
17 deposition (Def. Doc. #974), state as follows:

18 "2. The 'Outline of the settlement of the
19 Nomonhan Border Incident,' which was made on 31 May,
20 1939, (Showa 14), and which I mentioned in the 14th
21 item of my deposition, was planned and drafted by a
22 drafting committee of which I was a member, studied
23 by the Army Ministry and the General Staff Office,
24 and put into effect with the approval of our chief.
25

DIRECT EXAMINATION

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22 drafting committee of which I was a member, studied
23 by the Army Ministry and the General Staff Office,
24 and put into effect with the approval of our chief.
25

HASHIMOTO

DIRECT

1 The document was kept in the General Staff Office
2 then. I was told, however, the document together
3 with other documents was burned when the War ended,
4 and does not exist now. However, as the matter was
5 very important, I still remember gist of it.

6 "3. The order from the Imperial Head-
7 quarters, which Mr. NAKAJIMA, Assistant Chief of
8 the General Staff, took with him to Hsin King on
9 Aug. 30, 1939, (the 14th year of Showa), and which
10 I stated in the 15th item" -- should be the 16th
11 item -- "of my deposition, read as follows: 'The
12 operations in the Nomonhan area shall not be ex-
13 panded but shall be stopped as soon as possible.
14 The commander-in-chief of the Kwantung Army should
15 keep up the front in that area with minimum forces.'
16 This was the Imperial order, of which I then took
17 part in the drafting. It was approved by our chief
18 and later obtained Imperial sanction through the
19 Chief of the General Staff. The document was kept
20 in the General Staff Office. However, I hear, it
21 also was at the end of the War with the other
22 documents and does not exist now. However, as it
23 was an important order and its contents were com-
24 paratively simple, I still remember its content.
25

"4. The order from the Imperial Head-

HASHIMOTO

DIRECT

1 quarters, which NAKAJIMA, Assistant Chief of the
2 General Staff, took with him to Hsinking on
3 September 3, 1939, (Showa 14), and which I mention-
4 ed in the 15th item" -- should be the 16th item --
5 "of my deposition, was as follows, 'The Imperial
6 Headquarters desires an independent settlement of
7 the Nomonhan border incident. The commander-in-
8 chief of the Kwantung Army should stop offensive
9 operations in the Nomonhan Area.' This was the
10 Imperial order, of which I took part in the draft-
11 ing at that time, which was approved by our chief
12 and which later obtained Imperial sanction through
13 the chief of the General Staff. The document was
14 kept in the General Staff Office. However, I hear,
15 it was burned at the end of the War and does not
16 exist now. However, as it was a most important
17 order and its contents were comparatively simple,
18 I remember its purport well even now."

19 MR. FURNESS: In the third paragraph, if
20 the Court please, I believe in the Japanese copy,
21 the next to the last sentence reads, "It also was
22 burned at the end of the war with the other documents
23 and does not exist now." I ask that that be checked
24 by the Language Section.
25

THE PRESIDENT: We will refer it to the

HASHIMOTO

DIRECT

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2 General Staff, took with him to Hsinking on
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HASHIMOTO

DIRECT

1 Language Section; don't worry about it for the
2 present.

3 MR. FURNESS: I ask that the witness be
4 shown the original of defense document 974.

5 (Whereupon, a document was
6 handed to the witness.)

7 BY MR. FURNESS (Continued):

8 Q Colonel HASHIMOTO, is that your affidavit,
9 signed and sworn to on the 5th day of January, 1947?

10 A As you say.

11 Q Are the facts stated therein true?

12 A Yes, they are true.

13 MR. FURNESS: I offer in evidence defense
14 document 974.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 974
17 will receive defense exhibit No. 2622.

18 (Whereupon, the document above re-
19 ferred to was marked defense exhibit No.
20 2622 and received in evidence.)

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HASHIMOTO

DIRECT

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15 THE PRESIDENT: Admitted on the usual terms.

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19 ferred to was marked defense exhibit No.
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19 ferred to was marked defense exhibit No.
20 2622 and received in evidence.)

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HASHIMOTO

DIRECT

MR. FURNESS: I will read from that exhibit:

1 "1. I, HASHIMOTO, Gun, am an ex-lieutenant
2 general living at No. 456, Kitazawa 4 Chome, Seta-
3 gaya Ward, Tokyo Metropolis.
4

5 "I served as the Chief Staff-Officer of the
6 Japanese Garrison in China from August, the 11th Year
7 of Showa (1936) to the end of August, the 12th Year
8 of Showa (1937) and experienced the outbreak of the
9 China Incident. At the end of August, when the North
10 China Area Army was organized, I was transferred to
11 the post of Chief Staff-Officer of the First Army.
12 While I was engaged in operations in the district
13 along the Peking-Hankow Railway in North China, I was
14 moved to the post of Chief of the First Section,
15 General Staff (as Major General) on January 12, the
16 13th Year of Showa, and arrived in Tokyo on January 18.
17 My predecessor in office was Major General SHIMOMURA,
18 Sadamu.

19 "2. My assumption of the new post happened
20 to correspond generally to the time when the Japanese
21 Government issued the so-called 'Do not take the
22 National Government seriously' announcement on January
23 16 as a result of the failure of Sino-Japanese peace
24 negotiations through the mediation of German Ambassador
25 Trautmann to reach a conclusion.

HASHIMOTO

DIRECT

1 "As to the strategy, it was a period of
2 quiet after Taiyuan, Shichiachuan and Tsinan in
3 North China and Nanking and Pengfu in Middle China were
4 captured. The national government was at Hankow.

5 "3. Around the time when I assumed the
6 new post the Supreme Command authorities were study-
7 ing future plans of operation in all directions.
8 Actually, the China Incident itself broke out con-
9 trary to our country's intentions and its execution
10 thenceforth showed gradual expansion of the area
11 concerned, against our wish. As early a settlement
12 of the Incident as possible, however, was the con-
13 sistent desire of the authorities in the Supreme
14 Command. But the hope of peace negotiations was
15 dimmed as a result of the Government's announcement
16 made on January 16, 1936" -- should be 1938 -- "and
17 Japan was forced to entrench herself for a long term
18 war. Thus, special effort was necessary to strengthen
19 the national power, namely, the amplification of pro-
20 duction, the reinforcement of armament, the renovation
21 of the domestic front, etc."

22
23 THE PRESIDENT: General Zaryanov has not been
24 provided with a copy of this. I should have said Mr.
25 Justice Bernard.

MR. FURNESS: I shall continue reading.

HASHIMOTO

DIRECT

1 "As to the strategy, it was a period of
2 quiet after Taiyuan, Shichiachuan and Tsinan in
3 North China and Nanking and Pengfu in Middle China were
4 captured. The national government was at Hankow.

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21 of the domestic front, etc."

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23 THE PRESIDENT: General Zaryanov has not been
24 provided with a copy of this. I should have said Mr.
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HASHIMOTO

DIRECT

1 (Reading): "Alongside with this program
2 for controlling domestic affairs, military operations
3 were also brought into a stage of temporary prolonga-
4 tion. It was the conclusion at that time that positive
5 operations were to be temporarily avoided in order
6 not to extend the battlefront until resolute large-
7 scale operations should become feasible in order to
8 bring the Incident to a final conclusion at one blow
9 after having waited for a replenishment of fighting
10 power. Really, at that time, both military power was
11 short as well as munitions, to continue large-scale
12 operations against China. It was impossible, on
13 the other hand, to pour our whole strength into oper-
14 ations against China as we were faced with the necessity
15 of preparing against the menace of Soviet Russia.

16 "The Military Supreme Command stuck to
17 the principle of not approving any positive operation
18 by any Army except the mopping-up operation in Southern
19 Shanhsi conceived by the First Army at that time and
20 to confine itself to the preservation of peace on the
21 spot and maintaining the existing battle line.

22 "Around that time, there were many among
23 those in the operational area and central circles who
24 were of the opinion that it would be advantageous to
25 reopen the Tientsin-Pukow Railway by connecting the

HASHIMOTO

DIRECT

1 (Reading): "Alongside with this program
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25 reopen the Tientsin-Pukow Railway by connecting the

HASHIMOTO

DIRECT

1 Central China Detached Army which had advanced from
2 Nanking to Pengfu and the Second Army which had ad-
3 vanced to Tsinan. This opinion was not agreed to by
4 the Military Supreme Command as any expansion of the
5 operational area would be accompanied by the dis-
6 advantage of requiring large forces for its defense.

7 "4. This principle of operation, not to
8 extend the operational area, however, necessarily
9 changed by the actual situation within a few months.
10 Namely, each Army was continuously engaged in battle
11 contacting the enemy on the front line of the oper-
12 ational area. As the front was far too wide in com-
13 parison with our forces and a fixed line could not be
14 kept to defend and stop the enemy's counterattacks,
15 partisan skirmishes were being continuously repeated
16 causing the front line to lose stability.

17 "This state was especially conspicuous in
18 front of the Second Army and the enemy's counter-
19 attacks were persistent, removing the front line grad-
20 ually toward the south and causing severe damage to a
21 part of our Army in the battle around Taierhchuan.
22 Thus, the Third Army with lesser forces than three di-
23 visions began to fight hard battles.

24 "Meanwhile, the Chinese Army gradually con-
25 centrated large forces along the Lanchow-Haichow Railway

HASHIMOTO

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1 Central China Detached Army which had advanced from
2 Nanking to Pengfu and the Second Army which had ad-
3 vanced to Tsinan. This opinion was not agreed to by
4 the Military Supreme Command as any expansion of the
5 operational area would be accompanied by the dis-
6 advantage of requiring large forces for its defense.

7 "4. This principle of operation, not to
8 extend the operational area, however, necessarily
9 changed by the actual situation within a few months.
10 Namely, each Army was continuously engaged in battle
11 contacting the enemy on the front line of the oper-
12 ational area. As the front was far too wide in com-
13 parison with our forces and a fixed line could not be
14 kept to defend and stop the enemy's counterattacks,
15 partisan skirmishes were being continuously repeated
16 causing the front line to lose stability.

17 "This state was especially conspicuous in
18 front of the Second Army and the enemy's counter-
19 attacks were persistent, removing the front line grad-
20 ually toward the south and causing severe damage to a
21 part of our Army in the battle around Taierhchuan.
22 Thus, the Third Army with lesser forces than three di-
23 visions began to fight hard battles.

24 "Meanwhile, the Chinese Army gradually con-
25 centrated large forces along the Lanchow-Haichow Railway

1 around Hsuehchow and around April, the 13th year of
2 Showa (1938) their forces amounted to about 40 divi-
3 sions around Hsuehchow, it being judged that they had
4 gathered the main forces of the Chinese Central Army
5 into this area. The situation was so serious that no
6 further neglect could be allowed. Thereupon, the
7 Military Supreme Command recognized the necessity of
8 making a great effort to reopen communications between
9 the South and North by dealing a heavy blow to the
10 Chinese main force in their presence. Thus, the
11 Battle of Hsuehchow was decided upon in spite of the
12 shortage of our forces. At that time, this plan was
13 decided upon between the last part of April and the
14 early part of May 1938.

15 "5. With the aim of squeezing the Chinese
16 main forces around Hsuehchow from the North and South,
17 about three divisions of the Central China Detached
18 Army from the South and about five divisions from the
19 North mainly comprising the Second Army of the North
20 China Detached Army reinforced by two divisions of the
21 First Army and two mixed brigades from Manchuria were
22 put into operation.

23
24 "In this battle the enemy appeared to have
25 been seized perfectly, but at the last moment, those
who escaped through the gap of our enclosure amounted

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24 been seized perfectly, but at the last moment, those
25 who escaped through the gap of our enclosure amounted

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1 to a considerable number and we could not deliver the
2 final annihilating blow which was at first expected.
3 The causes were to be attributed to the wide and flat
4 nature of the terrain and the insufficiency of our
5 forces used. At that time, we made great effort to
6 use as large forces as possible and to gain a decisive
7 result but what we could gather were, as previously
8 related, only eight divisions in all. In order to
9 gather these forces, it was necessary to make a bold
10 arrangement so that many weak points appeared in many
11 places on the battle line. As a result, during this
12 battle and immediately after it, the large southern
13 part of Shanhsi Province was recaptured by enemy counter-
14 attack taking advantage of our weak forces, and our
15 troops were enveloped everywhere.

16 "6. The Wuchan-Hankow operation was planned
17 after the battle around Hsuehchow with the aim of taking
18 a chance of leading to the settlement of the incident
19 by dealing a heavy blow to the Chinese main force
20 which was gathered in the Wuchan-Hankow district and
21 becoming so powerful that, strategically, further neglect
22 could not be allowed. Our plan was for the Second Army,
23 main force, to be pushed forward on a wide front from
24 the northeast to Hankow and for a smaller part to
25 march along the Yangtze River. This plan was forced

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1 to undergo fundamental changes resulting in consider-
2 able delay in the preparation for the operation by the
3 fact that the Chinese Army destroyed the bank of the
4 Yellow River at the last stage of the battle of Hsuehchow
5 and caused the inundation of a wide area resulting in
6 great difficulty in concentrating and deploying troops,
7 not to mention the loss of lines of communication.

8 "At the important period of this prepara-
9 tion, in the middle of July, the Changfufeng Incident
10 suddenly broke out putting the Supreme Command in a
11 state of deep anxiety.

12 "7. On July 13, 1938, we received a tele-
13 graphic report from the Korean Army to the effect
14 that about forty Soviet troops had crossed the
15 frontier near Changchi on July 11th and had occupied
16 Changfufeng constructing positions. The Supreme Command
17 thought this only a small conflict which was of the
18 nature of those usually occurring on the border line
19 of Soviet Russia and Manchuria, but as the Chosen Army
20 was not used to dealing with such affairs, and besides,
21 as we were fully occupied with the preparation of the
22 Huchang-Wangpei operation, we (the Supreme Command) did
23 not wish the incident to become aggravated, so it was
24 decided to order the Chosen Army to adopt a cautious
25 attitude, and to settle the affair through regular

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1 diplomatic channels. So this policy was telegraphed
2 to the Chosen Army and, at the same time, the War
3 Ministry proposed to the Foreign Office the negotiation
4 of the affair. At that time General NAKAMURA, Kotaro
5 was on the eve of his departure for Chosen as the new
6 Commander of the Chosen Army, so he must have been
7 instructed in that sense before his departure by the
8 superior authorities and I myself, when I saw him off
9 on the morning of his departure at Haneda airfield,
10 have talked to him about the same principle again."
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1 "8. The Supreme Command, seeing that the
2 diplomatic negotiations over the Changkufeng Incident
3 were hanging fire, and fearing, in the interval,
4 that the opposing forces may carelessly aggravate
5 the conflict, decided to call back the peacetime
6 units of the Chosen Army to their original station,
7 the unit which had been ordered to move as support
8 to the boundary garrison in the emergency, and decided
9 to watch developments quietly. So orders to this
10 effect were issued on July 26, but on July 29 we
11 received a report to the effect that the Soviet troops
12 had made a sortie to high ground about 1,000 meters
13 south of Shatsaofeng. Our boundary garrison had
14 been obliged to drive them back. Then the Soviet
15 troops again delivered a counter attack against us,
16 crossing the boundary line by 500 meters. We were
17 now set up in opposition to them. But as the
18 Chosen Army was content to drive the enemy back to
19 the outside of Manchurian territory, it was ordering
20 its units not to extend the affair further. On
21 the part of the Supreme Command, though it approved
22 the measures taken by the units on the spot, it stuck
23 to the principle of absolutely not enlarging the
24 affair beyond its present proportions, and ordered
25 the Chosen Army not to develop military operations

1 as long as the army was not challenged by the Soviet
2 forces, and to assume cautious action in general.

3 "9. After August 1, the activities of the
4 Soviet Army became more and more positive: the bom-
5 bardment by superior artillery forces; bombing by
6 airplanes at various points in Korea, and, at the
7 same time, infantry attack supported by tank units
8 were repeated almost every day. Our front line units
9 repulsed them every time, but never trespassed be-
10 yond the boundary, always retiring to the garrison
11 line. Repeating this method our casualties were
12 augmented every day. At this time the Chosen Army
13 proposed to use our air unit stationed in the northern
14 Chosen district to counteract the Soviet offensive,
15 but as the calling out of the air force might lead
16 to the progressive expansion of military activity,
17 the Supreme Command did not concede to the request.

18 "Taking into consideration the offensive
19 attitude of the Soviet forces, we retained in Man-
20 churia, under the direct command of the Central
21 Authorities, for the time being, about one division,
22 which was on its way to China, in order to provide
23 for a probable emergency.

24 "The Chosen Army was very faithful to the
25 principle of the Central Authorities and maintained

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1 the boundary line, bearing well the disadvantageous
2 tactics and notwithstanding heavy casualties. By
3 the conclusion of the truce agreement on August 11
4 the affair was finally settled.

5 "10. The Wuchang-Hankow Operation plans
6 were changed as above stated, and the main forces
7 were moved along the line of the Yangtze River and
8 it became a difficult operation. This operation
9 aimed at a speedy termination of the Incident. So
10 with the purpose of bringing about the most advantage-
11 ous result, we recognized the necessity of cutting
12 the main artery of the enemy's line of supply of
13 munitions from abroad -- the Canton-Hankow line, and
14 at the same time we planned the Canton operation.
15 Eventually we occupied Canton on October 21, landing
16 forces at Bias Bay of three divisions. The opera-
17 tion around Huchan-Hankow was a little retarded, but
18 on October 27, the Wuchang and Hankow were occupied,
19 and the National Government fled to Chungking.

20
21 "11. With the close of the WUCHANG-HANKOW
22 operations, fighting assumed a truly protracted phase,
23 so that we resorted to the least possible consumption
24 of fighting power. We held the WUCHANG-HANKOW dis-
25 trict and the CANTON district as the only operational

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1 areas, and stationed in each an army in a rather con-
2 centrated form, ready against the enemy's counter-
3 attack. The rest of the occupied territories were
4 held as peaceful areas. Over these vast areas we
5 placed our forces in scattered formation
6 and had them attend exclusively to the maintenance
7 of peace and order in these territories. Against
8 Chunking, we pressed on with a blockade and aerial
9 operations, hoping thereby to quicken the termina-
10 tion of the Incident. The KONOE statement of 22
11 December 1938 was an attempt to bring about peace by
12 following up the results of the "WUCHANG-HANKO"
13 operations with regard to the peace movement that
14 followed under Wang Chao-ming, we stood aloof as
15 observers while hoping that it would, as an internal
16 question among the Chinese people, develop into the
17 establishment of a new central government by the
18 cooperation of Wang Chao-ming and Chiang Kai-shek
19 and eventually lead up to the solution of the Inci-
20 dent. Consequently all the subsequent operations,
21 whether large or small in scale, were directed accord-
22 ing to the dictates of this great aim and hope.
23 The operations for such places as Swatow, Hainan and
24 Nanning were carried out for blockading purposes,
25 while those for Nanchang, Changsha and Ichang

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1 were conducted in response to the enemy's counter-
2 attacks. The minor operations in North China, on
3 the other hand, were necessary for the security of
4 peace in these garrisoned regions.

5 "12. Our military action in China, seen
6 from the standpoint of tactics, was most unsystematic
7 and haphazard from the very beginning of the China
8 Incident. As it must have become already clear from
9 what I have said so far, our action in China was
10 not based on any premeditated and well-planned pro-
11 gram, backed by sufficient fighting power. The
12 reason for our resorting to such haphazard manoeuver-
13 ing was simple. We did not like to go into hostili-
14 ties with China and we feared the Russian menace in
15 the north.

16 "The Russian military force in the Far East
17 which had been increasingly strengthened since the
18 Manchurian Incident was a great menace to Japan,
19 against which our Supreme Command exhausted its wits
20 in thinking out counter-measures. This was the chief
21 cause of the fear entertained by our Supreme Command
22 at the outbreak of the China Incident. In the exe-
23 cution of operations during the progress of the
24 Incident security against Russia was always the most
25 necessary premise, so that the Supreme Command had

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1 to direct the Chinese operations always with close
2 observation on the movement of the Far Eastern
3 Russian Army. At the time of the CHANGKUFENG In-
4 cident, most of our forces were concentrated on the
5 WUCHANG-HANKOW operations, leaving only six divisions
6 in Manchuria against more than twenty divisions of
7 the Far Eastern Russian forces. This will clearly
8 endorse the strenuous efforts made by the Supreme
9 Command to prevent the expansion of the Incident.

10 "13. Through the WUCHANG-HANKOW operations
11 and the Canton operations, we had gradually to in-
12 crease our forces in China. After the close of the
13 above operations, our army got ready for a pro-
14 tracted and persistent war and adhered to the policy
15 of preserving as much fighting power as possible.
16 However, with the extension of occupied territories,
17 it was necessary to reinforce our garrison forces,
18 so that there was not a bit of surplus strength left
19 in our army. The following figures show the dis-
20 tribution of our forces from the end of 1938 to the
21 outbreak of the Nomonhan Incident in the following
22 year:

24	"China	27 divisions	
25	"Manchuria	8	"
	"Korea	1	"

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"Homeland 1 division.

"We estimated the strength of the Far Eastern Russian force at that time to consist of at least 30 sharpshooting divisions, 2,000 tanks and 2,000 airplanes.

"Speaking of munitions needed for military operations, since we had our hands full with replenishing the operational consumption against China as well as with organizing new units, we could not provide for satisfactory reserve stores of dispensable materials. At the time of the Nomonhan Incident the quantity of operational materials which the Kwantung Army possessed was far from sufficient, compared with the number of its troops. Already at the first stage of hostility, our troops experienced hard fighting due to the insufficient supply of arms and ammunition.

"Later on such arms as anti-tank guns which belonged to the armed forces in China were used for re-equipping the troops of the Kwantung Army.

"In short, Japan at that time was not capable of contemplating an attack against Soviet Russia, so much so she did her utmost to avoid starting any trouble with Soviet Russia.

"14. The Nomonhan Incident broke out when

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1 on May 12th 1939 the Outer Mongolian forces crossed
2 the Harka River which was designated as the border
3 line between Manchoukuo and Outer Mongolia and
4 attacked Manchurian armed forces. It was plain
5 enough that Outer Mongolia was the one who was
6 responsible for the occurrence of the Incident. On
7 account of the invasion, the Kwantung Army on the
8 ground of its obligations dispatched a squad which
9 drove the invading troops away outside the border.
10 However, every time it accomplished its mission,
11 the squad returned to the place where it had been
12 formerly stationed. This means that although the
13 Kwantung Army did not connive at the invasion of
14 Manchoukuo's border line, it took every possible care
15 to avoid the further development of the Incident.
16 The Central Authorities in Japan were informed
17 of the details of the incident and the measure taken
18 by the Kwantung Army was fully complied with the in-
19 tention of the Central Authorities which left the
20 settlement of the incident to the Kwantung Army.
21 Meanwhile, investigation on the part of the General
22 Staff and the Ministry of War decided the general
23 principle for settling the Nomonhan Border Incident
24 on May 31st.
25

"The gist of the principle was as follows:

1 "We place confidence in the policy of the
2 Kwantung Army which endeavors to localize the inci-
3 dent by punishing and pulverizing the invading
4 Outer Mongolian forces and Soviet ground and air
5 forces within the border with elastic military opera-
6 tions. We shall, with the future development of the
7 incident, control operations of the Kwantung Army
8 and are expecting the Army to terminate hostilities
9 by making the enemy refrain from entering the district
10 north of Harka River through his failure in operation."

1 "15. On the 19th of June, the Outer
2 Mongolian Army of 1,000 strong, with 50 tanks and more
3 than 10 guns, crossed the border and attacked the
4 Manchurian Army; and about 15 airplanes of the
5 USSR bombed Haronai Shan and another 30 bombed
6 Kanchurmiao area. Therefore, the Kwantung Army ordered
7 the 23rd Division, 1 infantry Regiment of the 7th
8 Division, and 2 regiments of tanks, under the command
9 of the 23rd Division Commander, to repulse the Soviet-
10 Mongolian forces which had crossed the border, and,
11 at the same time, to stop USSR air activity, the
12 Kwantung Army sent out an air force to bomb the
13 advanced air base in Tomsk.

14 "This air raid was quite justifiable to the
15 Kwantung Army, but the Supreme Command, desiring the
16 incident be kept small, decided it wise to prohibit
17 air activities and sent the head of the 1st Section
18 to notify the Kwantung Army on the 29th of June that
19 it should endeavor to limit ground fighting within
20 the Manchuria and Mongolia border district, east of
21 Lake Boil, and that air activities over enemy base
22 be discontinued.

23 "As the result of this, the air force of
24 the Kwantung Army discontinued the air raids over
25 Tomsk and confined its activities to repulsing the

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1 attacking enemy. The Soviet air force increased
2 its bombing activities and began bombing deep into
3 the interior of Manchuria, therefore, the Kwantung
4 Army again emphasized the necessity of bombing the
5 USSR and Mongolian air bases, but firmly in view
6 of the general situation the Supreme Command refused
7 it. When the Commander of the Kwantung Army was
8 summoned to Tokyo, the reason for its impossibility
9 was explained by the Supreme Command and permission
10 was not granted in spite of his repeated request.

11 "The situation of the air force entering
12 the month of August was in a condition where the enemy
13 base had to be neutralized in order to maintain
14 fighting power of the air force. Thereupon, as a
15 result of the repeated inspection of the condition
16 on the spot by the Central authorities, and also
17 considering the repeated demand by the Kwantung
18 Army, on August 3rd it was acknowledged that air combat
19 tactic be revised for self-defense. On August 7th
20 an order was issued to the Kwantung Army to the effect
21 that it could attack, with its air units, the enemy
22 air bases in the vicinity of Tomsk and the district
23 east of it for the Nomonhan area operation, if the
24 situation necessitated it.

25 "16. After August 20, the Soviet Mongolian

1 forces launched large scale attacks and in about a
2 week's fighting the 23rd Division suffered tremendous
3 loss. The estimated strength of the Soviet Mongolian
4 forces at the time was: 3 sniper Divisions, 5
5 mechanized Brigades, several hundred air planes, a
6 regiment of the Army General Reserve Artillery,
7 several regiments of Army Corp Artillery, and 2
8 Divisions of the Outer Mongolian Cavalry. At that
9 time, the German-Soviet Non-Aggression Treaty was
10 made and in the Hulunbair district the cold of the
11 winter had already set in. The advent of bitter cold
12 was imminent, so the Supreme Command was very eager
13 to settle the incident before the setting in of cold
14 winter.

15 "The Kwantung Army, in accordance with this
16 situation, took measures for sending about 3 Divisions
17 to the front for reinforcement. The Supreme Command,
18 in order to make up for the deficiency in the military
19 strength for the defense of Manchuria, considered
20 extracting 2 Divisions from the forces in China, but
21 as a result of further investigation of the real
22 situation, it judged that the throwing in of large
23 forces may contrarily make more difficult a speedy
24 settlement of the Incident. Thus, the plan for
25 transferring 2 Divisions was abandoned.

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1 "On August 30th, the Imperial Headquarters
2 issued an order to the effect that the intention is
3 to keep the northern frontier of Manchuria peaceful,
4 setting part of the Imperial forces against the
5 Soviet Union, until the China Incident is settled.
6 For this purpose, a plan to terminate military
7 operation as soon as possible in 'Nomonhan' areas
8 was to be formed without spreading hostile actions.
9 The Commander of the Kwantung Army should try to
10 sustain with the smallest military strength. On
11 issuance of this order, Vice-Chief of Staffs, General
12 NAKAJIMA, rushing to Changchun, delivered it to the
13 Kwantung Army.

14 "The Supreme Command expected that the Kwantung
15 Army, by this order, would change its order of battle.
16 However, it was made clear that the dispute should
17 be settled after the Army gave a hard blow upon the
18 enemy force with reinforced military strength as based
19 on the primary plan. Just then, the European War
20 Broke out. Therefore, the Supreme Command, judging
21 the time has come to settle the dispute through
22 diplomatic negotiation, hurriedly sent Vice-Chief of
23 Staff, General NAKAJIMA again on September 3rd
24 to Changchun to deliver an order that in view of the
25 present situation, henceforth the Supreme Command would

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1 attempt to settle the border troubles of 'Nomonhan'
2 area autonomously and the Commander of the Kwantung
3 Army should suspend the offensive actions in that
4 area.

5 "The situation was at that time that the
6 Kwangtung Army had already issued an order of the
7 offensive and consequently its units were going to
8 start their military actions on September 10th. The
9 Commander was in an awkward position. Thereupon
10 the central authorities speeded up the management
11 concerning personnel affairs, and new Commander General
12 UMEZU, arriving at Changchun on September 8th as a
13 successor, took command of the Army.

14 "The step taken by the Imperial Headquarters
15 concerning the 'Nomonhan' dispute as stated above,
16 was carried out under a complete agreement with the
17 War Ministry authorities. There was no different
18 opinion among them.

19 "18. Based on the cease-fire agreement
20 concluded between TOGO and Molotov in Moscow through
21 diplomatic negotiations, the order of the Imperial
22 Headquarters concerning the suspension of hostile
23 actions was issued immediately on September 16th,
24 and the 'Nomonhan' Dispute was settled.

25 "Signed HASHIMOTO, Gun (seal)"

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1 No further direct.

2 COLONEL SMIRNOV: Colonel Smirnov of the
3 Russian Prosecution Section.

4 THE PRESIDENT: Major Moore.

5 LANGUAGE ARBITER: (Major Moore)

6 If the Tribunal please, defense document No.
7 1478, exhibit No. 2621, line 13 after the words
8 "it also was" insert the word "burned."

9 THE PRESIDENT: Thank you, Major.

10 CROSS-EXAMINATION

11 BY COLONEL SMIRNOV:

12 Q I would like to verify your official position.
13 It is said in your affidavit that you were Chief
14 of the First Section of the General Staff. What
15 section was that and part of what division of the
16 General Staff?
17

18 A My affidavit should have stated I was
19 Chief of the First Division. The Chief of the First
20 Section is under the Chief of the First Division.

21 Q Under what division of the General Staff
22 was the section you served?

23 A Under the Chief of the General Staff there
24 are the Vice-Chief of Staff, the General Affairs
25 Division, the First Division, the Second Division,
the Third Division and the Fourth Division. I was

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1 Chief of the First Division.

2 Q What were your official functions?

3 A Operations and the organization of the armies
4 were my principal duties.

5 Q Were you in a position to make independent
6 decisions on the military questions -- operational
7 questions?

8 A My job was to draft plans for operations, but
9 I did not have the power of making decisions on those
10 drafts -- I myself.

11 Q So your position in the General Staff was
12 somewhat that of a reviewer, was it not?

13 A I was not an adviser. I was the Staff Officer.

14 Q In your affidavit you always speak on behalf
15 of the Supreme Command; pages 5-7 of your affidavit,
16 document No. 974. What entitles you to identify
17 yourself with the Supreme Command and speak on behalf
18 of the Supreme Command, I would like to know? Your
19 official position at that time evidently didn't entitle
20 you to do so; is that correct?

21 A I was speaking of the actions taken by the
22 General Staff Office. But that was not -- that is
23 not to say -- but I did not mean by that that I
24 decided things on my own authority. I testified of
25 these things because the things that I planned --

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1 the plans that I drew up in the line of my official
2 duties were passed upon by my superiors and approved
3 by the General Staff Office and thereupon by the
4 General Staff as a whole and it is therefore that I
5 testified on these things.

6 Q But you yourself independently could not
7 in no occasion take independent operational decisions;
8 is that so?

9 A As you say.

10 Q Then, have you visited at least one of the
11 operational areas of which you speak in your affidavit;
12 the area of Changkufeng of the Nomonhan Area?

13 A I have.

14 Q Precisely where?

15 A First, concerning the Changkufeng Area,
16 I arrived there on the day the truce agreement was
17 signed.

18 Q So you were in the Changkufeng Area when all
19 the battle operations were finished?

20 A As you say.

21 Q And when were you in the Nomonhan Area?

22 A I was in the Nomonhan from June 29, and from
23 June 30th to July 1st I was in the actual area of
24 operations there.

25 Q So you were there only for one day?

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8 is that so?

9 A As you say.

10 Q Then, have you visited at least one of the
11 operational areas of which you speak in your affidavit;
12 the area of Changkufeng of the Nomonhan Area?

13 A I have.

14 Q Precisely where?

15 A First, concerning the Changkufeng Area,
16 I arrived there on the day the truce agreement was
17 signed.

18 Q So you were in the Changkufeng Area when all
19 the battle operations were finished?

20 A As you say.

21 Q And when were you in the Nomonhan Area?

22 A I was in the Nomonhan from June 29, and from
23 June 30th to July 1st I was in the actual area of
24 operations there.

25 Q So you were there only for one day?

1 A As you say.

2 Q In what area?

3 A During the -- In the Nomonhan Area I went
4 as far as the banks of the Harka River -- as the
5 bridge across the Harka River.

6 THE PRESIDENT: We will adjourn until half-
7 past one.

8 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at
2 1330, Hon Bernard Victor A. Roling, Member from the
3 Kingdom of the Netherlands, not sitting.
4

5
6 G U N H A S H I M O T O, called as a witness on
7 behalf of the defense, resumed the stand and
8 testified through Japanese interpreters as
9 follows:
10

11 COLONEL SMIRNOV: May I continue, your Honor?

12 THE PRESIDENT: Continue, Colonel Smirnov, yes.

13 BY COLONEL SMIRNOV (Continued):

14 Q So you were in the area of the Nomongan Incident
15 only one day, on July 29, isn't that so?

16 A From the 30th of June to the first of July.

17 Q Exactly in what sector of battle operations
18 were you?

19 A It was on the day that the troops under the
20 command of the commander of the 23rd Division repulsed
21 the enemy who had crossed the river -- crossed the
22 border.

23 Q How many kilometers from the River Halkhin
24 were you?

25 A I was right near the Halkhin River.

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1 Q On the eastern bank of the river or on the
2 western bank?

3 A On the eastern bank.

4 Q Were you in some way connected with the
5 Japanese army intelligence organs according to your
6 official duties on the General Staff?

7 A The Japanese intelligence department, that is
8 to say the Second Division of the General Staff Office,
9 did have liaison with the First Division of the General
10 Staff Office.

11 Q In your affidavit you give a number of Soviet
12 divisions in the Far East. Besides, you give a number
13 of Soviet tanks and planes. By what documents do you
14 confirm these data?

15 A I remember the approximate number of the
16 divisions there from intelligence reports received by
17 our intelligence division.

18 Q Can you now submit to the Tribunal any docu-
19 ment confirming this data?

20 A I have no such documents at my disposal now
21 and I believe it would be difficult to discover where
22 they are.

23 Q So you gave all these data from your memory
24 in the better cases?

25 A The approximate number I have given from my

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1 memory.

2 Q And besides you cannot tell the names of those
3 documents from which you derive your data, can you?

4 THE RUSSIAN MONITOR: On which you rely.

5 A What names are you referring to?

6 Q The names of those documents on which you
7 base all those data on the Soviet armed forces.

8 THE PRESIDENT: Major Furness.

9 MR. FURNESS: If your Honor please, I have the
10 impression that the witness said something that was not
11 translated into English. I don't know what it was.

12 Q I again repeat my question: I ask, can you
13 give the names of the documents which contained --
14 which allegedly contained information on the Soviet
15 armed forces in the Far East?

16 A Since many documents of that nature were in
17 existence at the time, if a thorough search is made
18 some of these documents may be brought to light. How-
19 ever, what I have written in my affidavit concerning
20 this point was written from my memory and there may
21 be some documents which confirm what I have said.
22 However, I have never made any effort to search them
23 out. The strong preparations for war which the Soviet
24 Union were making at the time constituted a real threat
25 to Japan and was a very important matter so that it has

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1 memory.

2 Q And besides you cannot tell the names of those
3 documents from which you derive your data, can you?

4 THE RUSSIAN MONITOR: On which you rely.

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6 Q The names of those documents on which you
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23 out. The strong preparations for war which the Soviet
24 Union were making at the time constituted a real threat
25 to Japan and was a very important matter so that it has

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1 remained in my mind right up to the present -- the
2 figures have remained in my mind right up to the present.

3 Q So I will be correct in saying that you cannot
4 name those documents now, is that correct?

5 A I am convinced that the figures I have given
6 in my affidavit are true.

7 Q So it will be correct to say that all these
8 data are based upon rumors only?

9 A Since I am a living witness I at least think
10 that what I say is true. That is all I can say.

11 THE MONITOR: And it is not a rumor.

12 Q And, therefore, your memory is the only source
13 on which you can rely?

14 A No. As I said, documents bearing this out
15 may be found if they are sought for. What I wanted to
16 say was that I did not make any such search.

17 Q At any rate you have no such documents?

18 A They are not now at my disposal.

19 Q Was it your official duty to give conclusions
20 as to the question of whether any violation of the border
21 was done by the opponent side?

22 A Yes, that was one of my duties, of course.

23 Q And so you gave conclusions that in both
24 cases, in the battles in the Khasan Lake area and in
25 the Nomongan area, it was the Soviet troops who violated

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1 the frontier?

2 A I knew that the Soviet troops had crossed
3 the border from reports which the General Staff
4 received from Japanese troops on the spot.

5 THE MONITOR: General Staff should be deleted.
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1 Q Had you conducted any verification of this
2 information, yourself?

3 A No, I did not. I do not believe there was
4 any necessity for my having done so.

5 Q Thus in the case of the battles in the
6 Lake **Khasan** area you gave the conclusion the Soviet
7 troops had violated the borders of U. S. S. R.
8 even -- in conducting any verification of this
9 information?

10 A I believed reports which we received from
11 the army.

12 Q Do you know that the border line after the
13 **Khasan** Lake Incident remained precisely the same as
14 the Soviet side insisted?

15 A There was a difference in the border line
16 as the Soviet Union conceived it, and the border line
17 which the Manchurian government had insisted on
18 until then. But I can testify that it is true
19 that the Soviet troops went even further into our
20 territory than even the border line which the Sovi-
21 ets insisted on. This was borne out by reports from
22 the army which I received when I went to that area.

23 THE MONITOR: "Our territory" should be
24 "into the Manchurian territory."
25

Q And so you know that the Chengkufeng

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20 territory than even the border line which the Soviets
21 insisted on. This was borne out by reports from
22 the army which I received when I went to that area.

23 THE MONITOR: "Our territory" should be
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25

Q And so you know that the Chengkufeng

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1 Hill, or the Zaozernaya Hill in Russian, which was
2 the object of the battle, remained in the Soviet
3 territory?

4 A I recall that the border line which the
5 Soviet Union insisted on was the ridge of Chengkufeng
6 Hill.

7 Q Can I understand this in the following way.
8 That from your - - that because of your light - -
9 can I understand it in the following way; because
10 you light mindedly disregarded your duties and
11 didn't want to check the border line, all this blood-
12 shedding fighting started?

13 A I deny that most vigorously.

14 Q But could you, if you wanted to, have at
15 your disposal the Hunchun Agreement of 1886 which
16 defined the border line?

17 A We were able to judge at the time that the
18 Soviet troops had actually violated the border
19 because even after our study of the treaty, which you
20 mentioned, and two or three maps of that area, we
21 could see that the Soviet troops had violated even
22 the border line as insisted on by the Soviet Union.

23 Q I asked you about a concrete document.
24 Before the fighting started, did you refer to the
25 Hunchun Agreement of 1886, or not?

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22 the border line as insisted on by the Soviet Union.

23 Q I asked you about a concrete document.
24 Before the fighting started, did you refer to the
25 Hunchun Agreement of 1886, or not?

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1 A No, I have not.

2 Q Now let's speak about the Nomongan area.

3 In this case it was also you who gave the conclusion
4 of the Soviet troops violating the border?

5 A We judged that the Soviet troops - - that
6 the Mongolian troops had violated the border from
7 reports we received from the army on the spot
8 stating the Mongolian troops had cross the Halhkhin
9 River and also from the fact that the Halhkhin River
10 had long before been thought of by both sides as the
11 battle line between Manchuria and Mongolia.

12 Q Can I understand from your words that you
13 blindly believed information given by the local
14 army authorities and didn't check this information,
15 yourself?

16 A It was such a commonly accepted fact that
17 the Halhkhin River was the border between Manchuria
18 and Mongolia that this was beyond doubt.

19 THE MONITOR: Outer Mongolia.

20 Q From which document did you derive it?
21 From which maps in particular?

22 A I remember there was several maps, but I
23 cannot recall them just now.

24 Q From the beginning of the Nomongan Area
25 Incident and until the end of this Incident, you

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1 closely watched the course of it, wasn't it so?

2 A Yes, I did very closely.

3 Q And did you also closely watch separate
4 stages of this incident, wasn't it so?

5 A Concerning the small details of the fight-
6 ing, this was left up to the army on the spot and
7 therefore we did not interfere in every small detail
8 of the fighting.

9 Q Do you know the names of the commanders of
10 the army groups at the different stages of the
11 incident?

12 A I did remember them at the time, but I
13 have forgotten that of the first. The second was
14 the **YAMAGATA** detachment.

15 Q Can I refresh your memory? Doesn't the
16 name of Colonel **YAMAGATA** tell anything to you?

17 A I said that Colonel **YAMAGATA** was the chief
18 of the detachment sent out the second time.

19 Q He was the commander of the 64th Regiment,
20 wasn't he?

21 A I believe so.

22 COLONEL SMIRNOV: I wish to hand you a map.
23 Your Honor, I submit the map contained in Exhibit 766,
24 it was accepted by the Court previously.

25 THE PRESIDENT: Show it to the witness.

22,615

1 (Whereupon, a map was handed to the
2 witness.)
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NOTE:

The attached pages are corrected pages and should be substituted for the corresponding pages in the record.

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1 Q May I ask you, first, to show by a pencil
2 mark the area of the Nomongan area fighting; the
3 area of the fighting?

4 THE PRESIDENT: He had better use a letter
5 or a number.

6 Q Second, maybe we will draw your attention as
7 to where the frontier line is marked on this map, and
8 that it is marked along the Khalkhin-Gol River.

9 RUSSIAN MONITOR: Whether it is marked along
10 the river.

11 A As I have been saying repeatedly, from this
12 point -- in this area, I thought of the river as the
13 border.

14 Q This is not the language a military man should
15 speak. I ask you to indicate precisely where the
16 frontier line passes, along the River Khalkhin-Gol or
17 to the east of this river?

18 A I have drawn a red line on this map.

19 Q Maybe you will answer me in words. Maybe
20 you will tell me in words whether the frontier line
21 passes along the Khalkhin-Gol River or to the east of
22 that river?

23 A It passes along the line of the Halkhin
24 River. The Halkhin River is the border.

25 COLONEL SMIRNOV: Your Honor, in view of this

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7 to where the frontier line is marked on this map, and
8 that it is marked along the Khalhin-Gol River.

9 RUSSIAN MONITOR: Whether it is marked along
10 the river.

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12 point -- in this area, I thought of the river as the
13 border.

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15 speak. I ask you to indicate precisely where the
16 frontier line passes, along the River Khalhin-Gol or
17 to the east of this river?

18 A I have drawn a red line on this map.

19 Q Maybe you will answer me in words. Maybe
20 you will tell me in words whether the frontier line
21 passes along the Khalhin-Gol River or to the east of
22 that river?

23 A It passes along the line of the Halkhin
24 River. The Halkhin River is the border.

25 THE PRESIDENT: Your Honor, in view of this

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1 answer of the witness, the only thing I can do is to
2 ask the Tribunal to refer their attention to the map
3 itself contained in exhibit 766. It is evident from
4 the document that the frontier line passes east of
5 the Khalhin-Gol River.

6 I ask to return to me the map marked by the
7 witness.

8 THE PRESIDENT: He has not marked the original.

9 The other map marked is not in evidence, as
10 far as I am aware.

11 COLONEL SMIRNOV: Excuse me, your Honor.
12 The second map hasn't been tendered in evidence as yet.
13 But the original of the map is a part of the
14 exhibit 766, and it has been already admitted by the
15 Court, and this map is contained in this exhibit.

16 THE PRESIDENT: Major Furness.

17 MR. FURNESS: If the Court please, we object
18 to the introduction through this witness of any map
19 of which he doesn't know the origin and where it came
20 from. It seems to me the witness is being misled.

21 THE PRESIDENT: He is a lieutenant general.
22 He knows more about maps than most of us. He marked
23 that map without question.
24

25 COLONEL SMIRNOV: Besides, your Honor, this
map has been already admitted by the Court, so the

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1 remark of the defense counsel is rather late.

2 Q Now, Mr. Witness, will you tell me, isn't
3 there, in the right corner of the map, a Japanese
4 mark which means top secret and which is habitual for
5 the military documents?

6 A Yes, there is.

7 Q Now, in this case, Mr. Witness, will you tell
8 me, why should the Japanese High Command give the false
9 maps, and which they knew that they were false, to the
10 local command? It means that the question of the
11 frontiers was not very clear, wasn't it?

12 A This is the first time I have seen this map
13 with the borderline on it. I say vigorously that
14 there is no reason why such a map should have been
15 given to the army, and also that in actuality such a
16 map was not given to the army.

17 Q How could you have given the conclusion that
18 the frontier line was violated by the Soviet troops
19 when even that part of the Japanese army which led
20 the fighting in that area had the map on which the
21 frontier was marked in the way asserted by the Soviet
22 Union?

23 A I do not believe that this map was in the
24 hands of the army on the spot.
25

THE PRESIDENT: Major Furness.

1 MR. FURNESS: If the Court please, I feel it
2 should be pointed out that this map to which counsel
3 refers was not included in the copies of papers which
4 were delivered to defense counsel at the time the
5 exhibit was tendered into evidence. As far as I know,
6 we have never seen it before.

7 THE PRESIDENT: The objection to non-service
8 comes rather late. I think we had better continue,
9 in view of the late objection. But you should be
10 provided with a copy.

11 MR. FURNESS: We could not very well object
12 to non-service of the document when the first know-
13 ledge we had of it was at this particular time.

14 THE PRESIDENT: You could have objected as
15 soon as the document was handed to the witness. That
16 is what I mean.

17 MR. FURNESS: He said, as I recollect, it
18 was not in evidence.

19 THE PRESIDENT: This particular map, I under-
20 stand, that he has been using now is a copy of that
21 in evidence. That may be a misapprehension, but they
22 appear to be photostat copies of the same original.
23 But let it be checked. I may be guessing.

24 Is that a photostat copy of the original
25 that the witness is now perusing, Colonel Smirnov?

1 COLONEL SMIRNOV: That is perfectly correct,
2 your Honor. This is a photostat copy of the map
3 which is contained in the exhibit No. 766, which
4 the Court has.

5 MR. FURNESS: If your Honor please, no
6 photostatic copy of any map was attached to the papers
7 which were served on us as exhibit 766. There is a
8 photostat of a map attached to exhibit No. 767, but
9 it is an entirely different map.
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1 COLONEL SMIRNOV: Your Honor, I am deprived
2 of the opportunity to give information on the question
3 whether this map was served upon defense at the time
4 or not because I wasn't here; I was at Nuernberg.

5 THE PRESIDENT: I am now looking at the map
6 attached to exhibit No. 766 as filed with the clerk
7 of the court. It is the map last marked by the witness.
8 It appears to be a photostat copy of something.

9 How are the rivers indicated?

10 COLONEL SMIRNOV: Your Honor, the rivers are
11 indicated in the following way: The lake marked in
12 the left-hand corner of the map is the Lake Buir Nor.

13 THE PRESIDENT: The witness said that the
14 boundary was a river. He named it, and has drawn a
15 red line along what appears to be a river.

16 Now, what we want to be sure of is this: Does
17 the red line follow the river all the way? It makes
18 the slightest departures at points.

19 I want the witness to answer. The witness
20 will answer, please.

21 THE WITNESS: The border follows the river
22 all the way. My hand may have deviated slightly along
23 the course.

24 COLONEL SMIRNOV: Your Honor, I only ask you
25 to pay attention to the line of the real frontier, which

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18 the slightest departures at points.

19 I want the witness to answer. The witness
20 will answer, please.

21 THE WITNESS: The border follows the river
22 all the way. My hand may have deviated slightly along
23 the course.

24 COLONEL SMIRNOV: Your Honor, I only ask you
25 to pay attention to the line of the real frontier, which

1 is to the east of the Khalhin-Gol River.

2 THE PRESIDENT: Well, there are lines here
3 that may be railway lines, or may be roads, or may
4 be boundaries.

5 MR. FURNESS: The only testimony with regard
6 to it is the witness' testimony as far as I know.

7 THE PRESIDENT: Has this map the usual legend
8 showing what are railways, what are roads, and what
9 are boundaries?

10 Let him look at the map in evidence, being
11 that attached to exhibit 766.

12 Answer that question.

13 THE WITNESS: I am sorry. May I have the
14 question repeated?

15 THE PRESIDENT: Is there on that map any
16 writing which says what are roads, what are railways,
17 and what are boundaries?

18 THE WITNESS: There is nothing to indicate any
19 such thing.

20 THE PRESIDENT: On the left of the river
21 marked by you, Witness, there are dotted lines; what
22 do they indicate?

23 THE WITNESS: I am sorry, I do not know. I
24 cannot tell what it is.

25 THE PRESIDENT: You had better attempt to

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1 clear it up, Colonel Smirnov. You know more about
2 it than we do.

3 COLONEL SMIRNOV: Yes, your Honor, I will
4 check it in another way.

5 May I continue the cross-examination?

6 THE PRESIDENT: You may.

7 COLONEL SMIRNOV: May the witness be shown
8 exhibit No. 767, official map attached to the agreement
9 between Molotov and TOGO?

10 THE PRESIDENT: Well, this map appears to
11 have been taken out of the registry by Bernard Hargadon
12 on behalf of the defense on the 6th of May at 10 o'clock.

13 MR. FURNESS: If your Honor please, the lieu-
14 tenant is one of our administrative officers and took
15 it out at Major Blakeney's request. Major Blakeney
16 can go and get it if the Court desires it at this time.

17 We are agreeable to the use of the copies which
18 ~~were~~ attached to the papers which were served on de-
19 fense counsel, exhibit 767.

20 THE PRESIDENT: Use the copies so far as they
21 are complete. But the copy should be tendered.

22 COLONEL SMIRNOV: Your Honor, this map has been
23 also tendered in evidence and was accepted by the Court.

24 BY COLONEL SMIRNOV: (Continued)

25 Q I ask you, Mr. Witness, to compare the lines

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1 on the first map and on the second map; do not they
2 coincide?

3 THE RUSSIAN MONITOR: Correction: The
4 boundary line.

5 A The boundary line is marked in a different
6 way on the two maps. By the boundary line do you mean
7 the black line?

8 Q Will you tell me, is the area of the fighting
9 marked on the second map on the Mongolian territory?

10 A May I ask you if the boundary line is the black
11 line on the second map -- on this second map?

12 Q Yes, that is correct.

13 A In that case all the more I can say that the
14 area of fighting was in Manchurian territory.

15 Q On the Mongolian territory? That was a slip
16 of the tongue, wasn't it?

17 A According to the second map the boundary line
18 is on the far side of the Halkhin River, which would
19 make the fighting even more on the inside of Manchurian
20 territory.

21 Q On the Mongolian territory?

22 Can you tell where is Manchuria and where is
23 Mongolia on the map?

24 A As far as which side is the Manchurian side
25 and which side is the Mongolian side, I have said

1 repeatedly that the Halkhin River was the line of demar-
2 cation. Therefore, if the boundary should be on the
3 far side of the river, that would make the area of
4 fighting even more within Manchurian territory.

5 COLONEL SMIRNOV: Your Honor, in this case
6 there are either some mistakes in the translation, or
7 absolute ignorance on the part of the witness.

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1 THE PRESIDENT: There is on my part too. As
2 far as I can judge he is consistent but I may be wrong
3 again. I expected that answer. He said the river was
4 the boundary. He marked the river as the boundary and
5 he said the fighting was on the left-hand side or on
6 the far side which would be the left-hand side coming
7 down from the source. That is only my impression.
8 Other Members may take a different view but I formed
9 that impression. We are all handicapped without maps,
10 of course.

11 COLONEL SMIRNOV: Your Honor, I can send
12 in those maps although I have them in insufficient
13 number of copies.

14 It seems to me, your Honor, that the witness
15 is either grossly mistaken or purposely distorts the
16 real situation. The right-hand side of the map is
17 Manchuria. The left-hand side of the map is Mongolia.
18 As the witness said, the area of the fighting was be-
19 tween the border line and the river. This is Mongolian
20 territory.

21 MR. FURNESS: Your Honor, I must object to
22 the prosecutor's testifying and to his attacking the
23 witness.
24

25 THE PRESIDENT: He is not doing either. He
is arguing with me actually because I came to the

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1 witness' rescue or purported to do so. Perhaps I
2 cannot save him but I thought the witness was con-
3 sistent.

4 MR. FURNESS: I also protest against his
5 misquoting the witness. The witness has testified
6 consistently that the border was the river.

7 COLONEL SMIRNOV: Your Honor, these maps are
8 tendered to prove that the border line passes not along
9 the river but to the east of that river, and that is
10 very easy to see by looking at the map attached to
11 the agreement between Molotov and TOGO, being exhibit
12 766.

13 THE PRESIDENT: On the map attached to 766
14 the witness marked the area of fighting on the right
15 of what he said was the boundary line, being the
16 river, in other words, to the east of the river.
17 Whether that is Mongolia or Manchuria, I do not know.

18 What do you say it is, Colonel Smirnov? I
19 want your contention, not your evidence. Is Mongolia
20 to the east of the river or to the west of it?

21 COLONEL SMIRNOV: Mongolian territory is to
22 the west, your Honor; Manchurian territory is to the
23 east of that river.

24 THE PRESIDENT: Apparently the witness is
25 consistent. That is all I can say.

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1 Q I ask the witness to look at the map
2 attached to the exhibit 766 and let him tell me
3 where is the battle area according to the map on the
4 Mongolian territory or on the Manchurian territory?

5 A Do you mean this map?

6 Q I mean the map attached to the agreement
7 between Molotov and Togo, exhibit 766.

8 A The area of fighting is clearly inside
9 Manchurian territory.

10 Q I ask that the witness answer the following
11 question then: Is the area between the Halkhin River
12 and the border line on the Manchurian territory or on
13 the Mongolian territory?

14 A Since the river itself is the border line,
15 I don't know how to answer your question.
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12 and the border line on the Manchurian territory or on
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15 I don't know how to answer your question.
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1 Q Don't you see that there is a space between
2 the border line and the river? Whom does that space
3 belong to, to Mongolia or Manchuria? Look at the map.

4 A What you say is the border line on this map
5 is to the west of the river.

6 THE MONITOR: Not "what you say," but the
7 border line indicated on this map.

8 A (Continuing). Therefore, if we are to believe
9 this map, Manchurian territory extends further, even
10 further to the west of the Halkhin River.

11 THE PRESIDENT: Colonel, I suggest that you
12 get the witness to mark on this map what he says is
13 the border line and also the area of fighting.

14 Q I ask you to mark on this map the frontier
15 line and the area of the fighting.

16 A I have indicated the border line. However,
17 since the map is not very clear, it is difficult for
18 me to indicate the area of fighting.

19 Q What did you mark, Witness?

20 A I indicated the border line which, according
21 to my contention, runs along the Halkhin River.

22 THE PRESIDENT: The treaty which covers the
23 map may indicate where the border line is, Colonel.
24 You ought to look at that and draw the witness'
25 attention to it. Do so after the recess.

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We will recess for fifteen minutes.

(Whereupon, at 1445, a recess
was taken until 1500, after which the
proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 COLONEL SMIRNOV: Your Honor, may I hand
4 to you the original court exhibit which shows all
5 these lines more clearly than the photostat copy?

6 (Whereupon, a document was
7 handed to the President.)

8 THE PRESIDENT: Exhibit No. 767.

9 COLONEL SMIRNOV: May I then hand in the
10 map marked by the witness?

11 (Whereupon, a document was
12 handed to the President.)

13 COLONEL SMIRNOV: Maybe, having compared
14 these two maps, you, your Honor, will be convinced
15 that the witness took for the Khalkhin-Gol River
16 the railroad line marked on the map. This map is
17 the original map attached to the agreement signed
18 by Molotov and TOGO on the subject of the final
19 border line. Mongolian and Soviet parties, during
20 this fighting, constantly insisted that the frontier
21 line passes east of the Khalkhin-Gol River, that is
22 above the Khalkhin-Gol River. The Japanese insisted
23 that the frontier line runs along the Khalkhin-Gol
24 River.
25

If your Honor will look at the map, you

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1 will be convinced that the frontier line passes
2 east of the Khalkhin-Gol River, that is, above the
3 Khalkhin-Gol River. The misunderstanding is caused
4 by the gross mistake on the part of the witness.

5 MR. FURNESS: If the Court please --

6 THE PRESIDENT: Major Furness.

7 MR. FURNESS: I think the map attached to
8 exhibit No. 767 shows the border line to which Japan
9 agreed after the conclusion of the Molotov-TOGO
10 Agreement, nothing more. It does not show what it
11 was prior to that as far as the Japanese contention
12 was concerned.

13 COLONEL SMIRNOV: May I refer your Honor
14 to the inscriptions on the map which indicate the
15 frontier line prior to the incident and after the
16 incident? May the witness be shown another copy of
17 this map which is, maybe, more clear and which is
18 in the Japanese language?

19 THE PRESIDENT: Major Furness.

20 MR. FURNESS: If the Court please, the
21 legend is pasted over on the original map. Further-
22 more, the legend refers to a map one by one million,
23 and at the top it says, "A copy of a map, scale one
24 to two hundred thousand." Therefore, I believe that
25 the legend at the bottom refers to a different map

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1 than the map to which it is pasted.

2 COLONEL SMIRNOV: Your Honor, maybe when
3 the photostat copy was made, the scale was re-
4 duced.

5 Your Honor, with your permission, I hand
6 to the witness another map which is probably more
7 clear.

8 THE PRESIDENT: I think we ought to try
9 to understand the map attached to exhibit No. 767,
10 being the treaty between the USSR and the Japanese
11 of June 9, 1940. It may be that the photostat copy
12 has a scale of one to two hundred thousand, whereas
13 the original had a scale of one to one million.
14 That is possible.

15 MR. FURNESS: They are both written on the
16 same map, if your Honor please. Furthermore, the
17 prosecution has just said that the colored map,
18 which is on the original exhibit, is one of the
19 original maps attached to the Molotov-TOGO Agree-
20 ment. I call attention to the fact that the map
21 attached to the original exhibit is approximately
22 the same size as the photostat which is attached to
23 the copy.
24

25 THE PRESIDENT: I think it is a copy. I
think the explanation is what I have given. The

1 copies provided for our purposes are just one-fifth
2 the size of those used in the actual treaties be-
3 tween the USSR and the Japanese, but the size of
4 the map is beside the question. The question is,
5 where is the boundary line? And, again, where was
6 the fighting. It is necessary to go into that old
7 document to which you refer, the document of 1886,
8 perhaps, Colonel. This treaty may have fixed some
9 arbitrary line. What we have to decide is the
10 boundary at the time of the fighting. That should
11 be discovered from maps antecedent to the fighting.

12 COLONEL SMIRNOV: Your Honor, I will sub-
13 mit later on such maps. But, the map of 1886 con-
14 cerns not the Nomonhan Area Incident but the Cheng-
15 kufeng Incident. These two incidents are different.

16 THE PRESIDENT: No. The question arises
17 as to the competence of this witness. He was a
18 soldier, and he was not much concerned as to the
19 exact position of boundary lines. Perhaps, he
20 should have been, but was he?

21 COLONEL SMIRNOV: Your Honor, may I hand
22 to the witness the same map but only the Japanese
23 copy of this map and request him to mark on this map
24 the area of the fighting?

25 THE PRESIDENT: Do so.

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BY COLONEL SMIRNOV (Continued):

1 Q Mr. Witness, I ask you to makr the area of
2 the fighting on the map which has been given to you,
3 the same map, only the Japanese copy of the map.
4 I ask you to put pencil lines on the entire area of
5 the fighting.
6

7 A I have filled in the battle area. I have
8 marked the battle area. However, this map is a
9 map which was drawn up after the fighting was con-
10 cluded.

11 (Whereupon, the witness handed
12 a document to Colonel Smirnov.)

13 COLONEL SMIRNOV: Your Honor, may I ask you
14 to give an order to file this map to the record of
15 the case because the witness made a gross mistake
16 here. I think that there is no need to question him
17 further on this point, and, therefore, I will pass
18 to other questions.

19 THE PRESIDENT: Tender in evidence the maps
20 he has marked or the copies thereof which are not
21 already in evidence. That is advice, not a direction.

22 COLONEL SMIRNOV: Your Honor, I ask to file
23 these two maps marked by the witness with the record
24 of the case. Yes, your Honor, I ask you to accept
25 these two maps marked by the witness in evidence.

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1 THE PRESIDENT: Admitted on the usual
2 terms.

3 Continue with the numbers. They are two
4 thousand four hundred-something.

5 CLERK OF THE COURT: Defense documents
6 referred to herein, being two separate maps, will be
7 given exhibit Nos. 2623 and 2623-A.

8 (Whereupon, the documents above re-
9 ferred to were marked prosecution exhibits
10 2623 and 2623-A, respectively.)

11 THE PRESIDENT: How many has he marked
12 that are not in evidence? Make sure that all go in.

13 COLONEL SMIRNOV: He marked three maps,
14 your Honor. One map was taken during the fighting
15 together with the YAMAGATA Detachment. It was
16 seized by the Red Army during the fighting with this
17 detachment.

18 MR. FURNESS: I must object, if your Honor
19 please, to the prosecutor testifying about the
20 origin of these maps, where they were taken --
21 Colonel YAMAGATA. As far as I know, there is no
22 evidence regarding that in the case.

23 THE PRESIDENT: The objection is upheld.
24 We will describe the documents in some other way.
25 The first copy marked was that which corresponds

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1 with the map attached to exhibit 766. That will get
2 the first exhibit No. Call that out.

3 CLERK OF THE COURT: The first map will be
4 given exhibit No. 766-A.

5 (Whereupon, the map above referred
6 to was marked prosecution exhibit No. 766-A
7 and received in evidence.)

8 THE PRESIDENT: I think the next one marked
9 was the map which corresponds with that attached to
10 exhibit 767.

11 CLERK OF THE COURT: The second map will
12 receive exhibit No. 767-A.

13 (Whereupon, the map above referred
14 to was marked prosecution exhibit No. 767-A
15 and received in evidence.)

16 THE PRESIDENT: The third was a copy of the
17 Japanese map of which there is no corresponding map
18 in the evidence so far.

19 MR. FURNESS: If the Court please, I think
20 what he refers to as the Japanese map is the copy
21 of the map attached to the Japanese copies of ex-
22 hibit 767.

23 THE PRESIDENT: If you are agreed on that,
24 that will be marked 767-B.

25 (Whereupon, the document above

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1 referred to was marked prosecution exhibit
2 No. 767-B and received in evidence.)

3 MR. FURNESS: It is not a captured map or
4 a map which was found in Japanese military offices
5 or anything like that.

6 COLONEL SMIRNOV: Mr. Furness is quite cor-
7 rect, your Honor. The third map is the Japanese
8 map from exhibit 767.

9 THE PRESIDENT: Colonel Smirnov is now
10 about to get on to a new matter.

11 COLONEL SMIRNOV: Yes, your Honor.

12 BY COLONEL SMIRNOV (Continued):

13 Q Mr. Witness, do you know about the incident
14 which took place in the Nomonham and the Khalkhin-
15 Gol River area on the 2nd, 3rd and 4th of July,
16 1939?

17 A I know of it from reports which I received.
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1 Q Do you know Major General KOBAYASHI?

2 A Yes, I know him.

3 Q And Lieutenant General YASUOKA?

4 A Yes.

5 Q Tell me about the events of July 2, 3 and
6 4.

7 A Although I do not remember the details, I
8 recall that at the time -- that was the time when
9 the YASUOKA Unit, the main force of the Japanese,
10 repulsed the -- began to repulse the Soviet troops
11 from the east side of the Harka River to a point near
12 the Harka River.

13 Q For what purpose did the Japanese troops
14 cross on to the western part of the Khalhin-Gol River,
15 if even, according to the Japanese version the western
16 bank of the Khalhin-Gol River was on the Mongolian
17 side?

18 A While in the course of repulsing Soviet
19 troops who had crossed to the east side of the Harka
20 River, the Japanese did cross the Harka River for a
21 time in that offensive on one occasion. That was only
22 one small detail of the whole fighting going on at
23 the time.

24 Q So, you want me to understand that the
25 Japanese troops accidentally jumped over the river 150 meters

1 wide?

2 A They did not go over it accidentally. They went
3 over it because they planned to.

4 THE MONITOR: The crossing of the river
5 was based on a plan.

6 A (Continuing) The reason why the Japanese
7 forces had to cross the Harka River is this: The
8 Manchurian side of this river is low and the Mongolian
9 side of this river was high ground. The Soviet
10 artillery on the other side of the -- on the Mongolian
11 side of the Harka River, taking advantage of this
12 high ground, supported the Outer Mongolian forces
13 who had invaded -- who had gone to the east side of --
14 who invaded the east side of the Harka River, and,
15 therefore, the Japanese had difficulty in repulsing
16 these Outer Mongolian forces. In other words, the
17 infantry, the Outer Mongolian infantry, was on the
18 east side of the river and the artillery was on the
19 west side of the river.

20 THE MONITOR: In other words, the infantry
21 was in front of the river and the artillery forces
22 were behind the river.

23 A (Continuing) In order to repulse these
24 forces, while carrying on an -- while launching a
25 frontal attack on the infantry force in front of the

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1 river, it was only natural that we should also
2 launch a flank attack on the artillery behind the
3 river, and from the point of view of military
4 strategy I believe that our action was quite justifiable.

5 Q Thus, even from your point of view, you
6 deliberately invaded the Mongolian side; is that so?

7 A We only crossed the river as one means of
8 repulsing Soviet troops who had invaded the east
9 side of the river. As soon as the operation was
10 over, we returned to the east side of the river.

11 THE MONITOR: Instead of "the east side of
12 the river" it should be "Manchurian."

13 Q In what direction were you trying to drive
14 away the Mongolian -- these forces? That was the
15 Mongolian territory, wasn't it? Did you want to drive
16 them away from the Mongolian territory?

17 A No, it was Manchurian territory as I have
18 just explained.

19 Q You have just said that the Japanese forces
20 crossed on to the western bank of the river.

21 A Then, I shall explain once more. The Outer
22 Mongolian infantry invaded the river and entered
23 Manchurian territory. The main force of the artillery
24 aided this operation from the opposite side of the
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25 river.

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1 THE MONITOR: In other words, artillery was
2 based on Mongolian side and the infantry penetrated
3 into Manchurian territory.

4 A (Continuing) It was impossible to repulse
5 the infantry who had invaded our side of the -- the
6 Manchurian side of the river without repulsing --
7 without attacking the artillery which were behind the
8 river. Therefore, a part of our forces made a frontal
9 attack on the infantry in front of the river, while
10 another part of our forces crossed the river and
11 attacked the artillery on the other side of the river.
12 This was a -- We crossed the river merely in order
13 to repulse the troops which had already invaded
14 our side of the river and it was merely a temporary
15 measure and we withdrew as soon as the operation
16 was completed, and on the next day our forces were
17 all on our side of the river.

18 THE MONITOR: Instead of "our side"; "the
19 forces were withdrawn."

20 Q Thus, a striking group under Major General
21 KOBAYASHI tried to seize a spearhead on the western
22 bank of the Khalkhin-Gol River.

23 A I don't believe that was so.

24 Q Do you know anything about the fighting
25 at the Mountain Baintsagan?

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22 bank of the Khalkhin-Gol River.

23 A I don't believe that was so.

24 Q Do you know anything about the fighting
25 at the Mountain Baintsagan?

1 A May I have the place name repeated, please?

2 Q Baintsagan.

3 A Do you know what the name is in Japanese?

4 Q I don't know.

5 Near what point was the fighting of the
6 striking group under KOBAYASHI conducted?

7 A I do not know every single detail about the
8 fighting of the KOBAYASHI Unit.

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1 Q Did the KOMATSUBARA unit participate in
2 this offensive?

3 A I believe they did -- I believe it did.

4 Q Thus, it was large-scale fighting? It
5 was an undeclared war?

6 A "Large-scale fighting" is a matter of com-
7 parison, and we simply -- our forces were simply
8 such as would be sufficient to repulse the enemy
9 troops who had invaded our -- Manchurian territory.

10 Q I will read a short excerpt from one of
11 the documents.

12 MR. FURNESS: The prosecutor has referred
13 to a document. May we have it specifically, so
14 we will know what document he is referring to?

15 COLONEL SMIRNOV: Your Honor, this document
16 has not been tendered and I want to read an excerpt
17 from it, not for the purpose of introducing the
18 document but for the purpose of checking the exact
19 data contained in it. This is an official informa-
20 tion statement of the Soviet Press Agency, Tass,
21 published in the newspaper "Izvestiya."

22 Q Concerning the fighting in the Baintsagan
23 area on the west bank of the Khalhin-Gol River --

24 MR. FURNESS: We object to it, if your
25 Honor pleases. It is self-serving.

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1 THE PRESIDENT: It might be rejected as
2 such -- I don't know -- when it is tendered, but he
3 can cross-examine him. He can ask him if that is
4 the fact and whether he denies it. at the end of it.

5 MR. FURNESS: I will ask at least that it
6 be marked for identification.

7 THE PRESIDENT: We will insist on that in
8 due course.

9 BY COLONEL SMIRNOV:

10 Q I will read you an excerpt from this docu-
11 ment, Mr. Witness.

12 "All units of the KAMATSUBARA 23rd Division,
13 supported by an infantry regiment, the 3rd and the
14 4th Tank Regiments and about six Bargut cavalry
15 regiments took part in the offensive."

16 Is that true?

17 A I believe our strength was more or less what
18 you said.

19 Q I continue further:

20 "The Mongolian and Soviet troops repulsed
21 all the attacks of the Japanese and Manchurian troops
22 in the area of Nomon-Kan-Burb-Obo and caused them
23 severe losses. Northwest of this area the Japanese
24 infantry, supported by no less than 60 tanks, pushed
25 back the cavalry units of the Mongolian and Soviet

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1 troops and crossed on to the western bank of the
2 Khalhin-Gol River and seized a small bridgehead there.
3 As the result of the decisive counter-attack of the
4 Soviet and Mongolian troops and air forces, the
5 Japanese troops which had crossed on to the western
6 bank of the Khalhin-Gol River, were pushed back
7 to the east of the Khalhin-Gol River by the end of
8 July 5, suffering great losses."

9 THE PRESIDENT: Put it to him piecemeal,
10 Colonel.

11 BY THE PRESIDENT:

12 Q Well, Witness, you have heard what was
13 read to you. Do you accept it as true? If not, how
14 far do you differ?

15 A In the first place, we did not use as
16 large a force as that around in June -- around the
17 5th of June in our first operation. Concerning the
18 other points, I don't know anything about the small
19 details of the fighting.

20 BY COLONEL SMIRNOV:

21 Q Now, Mr. Witness, I will ask you to tell
22 at what time in the Nomonhan area there were the
23 most extensive battles.

24 SOVIET INTERPRETER: Correction: The most
25 intensive battles.

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2 Khalhin-Gol River and seized a small bridgehead there.
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12 Q Well, Witness, you have heard what was
13 read to you. Do you accept it as true? If not, how
14 far do you differ?

15 A In the first place, we did not use as
16 large a force as that around in June -- around the
17 5th of June in our first operation. Concerning the
18 other points, I don't know anything about the small
19 details of the fighting.

20 BY COLONEL SMIRNOV:

21 Q Now, Mr. Witness, I will ask you to tell
22 at what time in the Nomonhan area there were the
23 most extensive battles.

24 SOVIET INTERPRETER: Correction: The most
25 intensive battles.

1 A The most intensive battles were carried out
2 after August 20, when the Soviet troops crossed the
3 river in force, and this became the occasion for very
4 severe fighting.

5 Q Thus, the order of the Imperial Headquarters
6 of August 30, 1939, which NAKAJIMA took with him,
7 was issued after these battle operations, was it not?

8 A Yes, that is so.

9 Q Thus, the order of the Imperial Headquarters
10 of the 3rd of September was also after these battles?

11 A Yes.

12 Q That is after the division under KOMATSUBARA
13 was almost completely annihilated?

14 A As you say.

15 Q Now, will you tell me: Wasn't the special
16 Japanese army created in connection with the incident
17 in the Nomonhan area?

18 A (No answer)

19 Q I will repeat the question. Wasn't the
20 special Japanese army created in connection with the
21 Nomonhan area incident?

22 A As I recall, a new army was not formed.

23 Q Now will you answer me question as to when
24 the Sixth Army was created.

25 A I had omitted the Sixth Army in my previous

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HASHIMOTO

CROSS

1 answer. It had been planned to create a new Sixth
2 Army long before the outbreak of the Nomonhan inci-
3 dent. The actual organization of this army was
4 carried out around the time of the Nomonhan incident.
5 The actual organization of this army was carried out
6 around the middle of this incident, that is to say,
7 in the middle of August.

8 Q Wasn't this army under the command of General
9 OGISU, Rippu?

10 A As you say.

11 Q Wasn't the first order issued by General
12 OGISU, Rippu, on August 10, 1939?

13 A I don't remember when.

14 Q Will you tell us approximately the time of
15 the creation of this army?

16 A I believe it was around the beginning of
17 August.

18 THE PRESIDENT: We will adjourn now until
19 half-past nine tomorrow morning.

20 (Whereupon, at 1600, a recess was taken
21 until Wednesday, May 21, at 0930 hours.)

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